

State of Arizona  
House of Representatives  
Forty-sixth Legislature  
Second Special Session  
2003

CHAPTER 6

# HOUSE BILL 2024

AN ACT

AMENDING SECTIONS 8-201 AND 8-201.01, ARIZONA REVISED STATUTES; AMENDING TITLE 8, CHAPTER 2, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 8-223 AND 8-224; AMENDING SECTIONS 8-304, 8-515.05, 8-517, 8-522, 8-531 AND 8-537, ARIZONA REVISED STATUTES; AMENDING SECTION 8-537, ARIZONA REVISED STATUTES, AS AMENDED BY THIS ACT; AMENDING TITLE 8, CHAPTER 10, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 8-800; AMENDING SECTIONS 8-801, 8-802, 8-803, 8-804 AND 8-804.01, ARIZONA REVISED STATUTES; REPEALING SECTION 8-807, ARIZONA REVISED STATUTES; AMENDING TITLE 8, CHAPTER 10, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING A NEW SECTION 8-807; AMENDING SECTIONS 8-808, 8-811 AND 8-816, ARIZONA REVISED STATUTES; AMENDING TITLE 8, CHAPTER 10, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 8-817, 8-818 AND 8-819; AMENDING SECTIONS 8-821, 8-822, 8-823 AND 8-829, ARIZONA REVISED STATUTES; AMENDING TITLE 8, CHAPTER 10, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING 8-830; AMENDING SECTIONS 8-842, 8-843, 8-846, 8-847, 8-863, ARIZONA REVISED STATUTES; AMENDING SECTION 8-863, ARIZONA REVISED STATUTES, AS AMENDED BY THIS ACT; AMENDING TITLE 8, CHAPTER 10, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 7; AMENDING TITLE 13, CHAPTER 29, ARIZONA REVISED STATUTES, BY ADDING SECTION 13-2907.02; AMENDING SECTIONS 25-403, 41-1291, 41-1953 AND 41-1954, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 14, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-1966; AMENDING LAWS 2003, CHAPTER 208, SECTIONS 1 AND 3; PROVIDING FOR THE DELAYED REPEAL OF SECTION 8-223, ARIZONA REVISED STATUTES, AS ADDED BY THIS ACT; MAKING APPROPRIATIONS; RELATING TO CHILDREN.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 8-201, Arizona Revised Statutes, is amended to  
3 read:

4 8-201. Definitions

5 In this title, unless the context otherwise requires:

6 1. "Abandoned" means the failure of the parent to provide reasonable  
7 support and to maintain regular contact with the child, including providing  
8 normal supervision. Abandoned includes a judicial finding that a parent has  
9 made only minimal efforts to support and communicate with the child. Failure  
10 to maintain a normal parental relationship with the child without just cause  
11 for a period of six months constitutes prima facie evidence of abandonment.

12 2. "Abuse" means the infliction or allowing of physical injury,  
13 impairment of bodily function or disfigurement or the infliction of or  
14 allowing another person to cause serious emotional damage as evidenced by  
15 severe anxiety, depression, withdrawal or untoward aggressive behavior and  
16 which emotional damage is diagnosed by a medical doctor or psychologist  
17 pursuant to section 8-821 and is caused by the acts or omissions of an  
18 individual having care, custody and control of a child. Abuse shall include  
19 INCLUDES:

20 (a) Inflicting or allowing sexual abuse pursuant to section 13-1404,  
21 sexual conduct with a minor pursuant to section 13-1405, sexual assault  
22 pursuant to section 13-1406, molestation of a child pursuant to section  
23 13-1410, commercial sexual exploitation of a minor pursuant to section  
24 13-3552, sexual exploitation of a minor pursuant to section 13-3553, incest  
25 pursuant to section 13-3608 or child prostitution pursuant to section  
26 13-3212.

27 (b) PHYSICAL INJURY TO A CHILD THAT RESULTS FROM ABUSE AS DESCRIBED  
28 IN SECTION 13-3623, SUBSECTION C.

29 3. "Adult" means a person who is eighteen years of age or older.

30 4. "Adult court" means the appropriate justice court, municipal court  
31 or criminal division of the superior court that has jurisdiction to hear  
32 proceedings concerning offenses committed by juveniles as provided in  
33 sections 8-327 and 13-501.

34 5. "Award" or "commit" means to assign legal custody.

35 6. "Child", "youth" or "juvenile" means an individual who is under the  
36 age of eighteen years.

37 7. "Complaint" means a written statement of the essential facts  
38 constituting a public offense that is any of the following:

39 (a) Made on an oath before a judge or commissioner of the superior  
40 court or an authorized juvenile hearing officer.

41 (b) Made pursuant to section 13-3903.

42 (c) Accompanied by an affidavit of a law enforcement officer or  
43 employee that swears on information and belief to the accuracy of the  
44 complaint pursuant to section 13-4261.

1           8. "Custodian" means a person, other than a parent or legal guardian,  
2 who stands in loco parentis to the child or a person to whom legal custody  
3 of the child has been given by order of the juvenile court.

4           9. "Delinquency hearing" means a proceeding in the juvenile court to  
5 determine whether a juvenile has committed a specific delinquent act as set  
6 forth in a petition.

7           10. "Delinquent act" means an act by a juvenile that if committed by  
8 an adult would be a criminal offense or a petty offense, a violation of any  
9 law of this state, or of another state if the act occurred in that state, or  
10 a law of the United States, or a violation of any law that can only be  
11 violated by a minor and that has been designated as a delinquent offense, or  
12 any ordinance of a city, county or political subdivision of this state  
13 defining crime. Delinquent act does not include an offense under section  
14 13-501, subsection A or B if the offense is filed in adult court. Any  
15 juvenile who is prosecuted as an adult or who is remanded for prosecution as  
16 an adult shall not be adjudicated as a delinquent juvenile for the same  
17 offense.

18           11. "Delinquent juvenile" means a child who is adjudicated to have  
19 committed a delinquent act.

20           12. "Department" means the department of economic security.

21           13. "Dependent child":  
22

23           (a) Means a child who is adjudicated to be:

24           (i) In need of proper and effective parental care and control and who  
25 has no parent or guardian, or one who has no parent or guardian willing to  
26 exercise or capable of exercising such care and control.

27           (ii) Destitute or who is not provided with the necessities of life,  
28 including adequate food, clothing, shelter or medical care, ~~or~~.

29           (iii) A CHILD whose home is unfit by reason of abuse, neglect, cruelty  
30 or depravity by a parent, a guardian, ~~or~~ any other person having custody or  
31 care of the child.

32           ~~(iii)~~ (iv) Under the age of eight years and who is found to have  
33 committed an act that would result in adjudication as a delinquent juvenile  
34 or incorrigible child if committed by an older juvenile or child.

35           ~~(iv)~~ (v) Incompetent or not restorable to competency and who is  
36 alleged to have committed a serious offense as defined in section 13-604.

37           (b) Does not include a child who in good faith is being furnished  
38 Christian Science treatment by a duly accredited practitioner if none of the  
39 circumstances described in subdivision (a) of this paragraph exists.

40           14. "Detention" means the temporary confinement of a juvenile who  
41 requires secure care in a physically restricting facility that is completely  
42 surrounded by a locked and physically secure barrier with restricted ingress  
43 and egress for the protection of the juvenile or the community pending court  
44 disposition or as a condition of probation.

15. "Incorrigible child" means a child who:

1 (a) Is adjudicated as a child who refuses to obey the reasonable and  
2 proper orders or directions of a parent, guardian or custodian and who is  
3 beyond the control of that person.

4 (b) Is habitually truant from school as defined in section 15-803,  
5 subsection C.

6 (c) Is a runaway from the child's home or parent, guardian or  
7 custodian.

8 (d) Habitually behaves in such a manner as to injure or endanger the  
9 morals or health of self or others.

10 (e) Commits any act constituting an offense that can only be committed  
11 by a minor and that is not designated as a delinquent act.

12 (f) Fails to obey any lawful order of a court of competent  
13 jurisdiction given in a noncriminal action.

14 16. "Independent living program" includes a residential program with  
15 supervision of less than twenty-four hours a day.

16 17. "Juvenile court" means the juvenile division of the superior court  
17 when exercising its jurisdiction over children in any proceeding relating to  
18 delinquency, dependency or incorrigibility.

19 18. "Law enforcement officer" means a peace officer, sheriff, deputy  
20 sheriff, municipal police officer or constable.

21 19. "Medical director of a mental health agency" means a psychiatrist,  
22 or licensed physician experienced in psychiatric matters, who is designated  
23 in writing by the governing body of the agency as the person in charge of the  
24 medical services of the agency, or a psychiatrist designated by the governing  
25 body to act for the director. The term includes the superintendent of the  
26 state hospital.

27 20. "Mental health agency" means any private or public facility that  
28 is licensed by this state as a mental health treatment agency, a psychiatric  
29 hospital, a psychiatric unit of a general hospital or a residential treatment  
30 center for emotionally disturbed children and that uses secure settings or  
31 mechanical restraints.

32 21. "Neglect" or "neglected" means the inability or unwillingness of  
33 a parent, guardian or custodian of a child to provide that child with  
34 supervision, food, clothing, shelter or medical care if that inability or  
35 unwillingness causes substantial risk of harm to the child's health or  
36 welfare, except if the inability of a parent or guardian to provide services  
37 to meet the needs of a child with a disability or chronic illness is solely  
38 the result of the unavailability of reasonable services.

39 22. "Petition" means a written statement of the essential facts that  
40 allege delinquency, incorrigibility or dependency.

41 23. "Prevention" means the creation of conditions, opportunities and  
42 experiences that encourage and develop healthy, self-sufficient children and  
43 that occur before the onset of problems.

44 24. "Protective supervision" means supervision that is ordered by the  
45 juvenile court of children who are found to be dependent or incorrigible.

1        25. "Referral" means a report that is submitted to the juvenile court  
2 and that alleges that a child is dependent or incorrigible or that a juvenile  
3 has committed a delinquent or criminal act.

4        26. "Secure care" means confinement in a facility that is completely  
5 surrounded by a locked and physically secure barrier with restricted ingress  
6 and egress.

7        27. "SERIOUS EMOTIONAL INJURY" MEANS AN INJURY THAT IS DIAGNOSED BY A  
8 MEDICAL DOCTOR OR A PSYCHOLOGIST AND THAT DOES ANY ONE OR A COMBINATION OF  
9 THE FOLLOWING:

10        (a) SERIOUSLY IMPAIRS MENTAL FACULTIES.

11        (b) CAUSES SERIOUS ANXIETY, DEPRESSION, WITHDRAWAL OR SOCIAL  
12 DYSFUNCTION BEHAVIOR TO THE EXTENT THAT THE CHILD SUFFERS DYSFUNCTION THAT  
13 REQUIRES TREATMENT.

14        (c) IS THE RESULT OF SEXUAL ABUSE PURSUANT TO SECTION 13-1404, SEXUAL  
15 CONDUCT WITH A MINOR PURSUANT TO SECTION 13-1405, SEXUAL ASSAULT PURSUANT TO  
16 SECTION 13-1406, MOLESTATION OF A CHILD PURSUANT TO SECTION 13-1410, CHILD  
17 PROSTITUTION PURSUANT TO SECTION 13-3212, COMMERCIAL SEXUAL EXPLOITATION OF  
18 A MINOR PURSUANT TO SECTION 13-3552, SEXUAL EXPLOITATION OF A MINOR PURSUANT  
19 TO SECTION 13-3553 OR INCEST PURSUANT TO SECTION 13-3608.

20        28. "SERIOUS PHYSICAL INJURY" MEANS AN INJURY THAT IS DIAGNOSED BY A  
21 MEDICAL DOCTOR AND THAT DOES ANY ONE OR A COMBINATION OF THE FOLLOWING:

22        (a) CREATES A REASONABLE RISK OF DEATH.

23        (b) CAUSES SERIOUS OR PERMANENT DISFIGUREMENT.

24        (c) CAUSES SIGNIFICANT PHYSICAL PAIN.

25        (d) CAUSES SERIOUS IMPAIRMENT OF HEALTH.

26        (e) CAUSES THE LOSS OR PROTRACTED IMPAIRMENT OF AN ORGAN OR LIMB.

27        (f) IS THE RESULT OF SEXUAL ABUSE PURSUANT TO SECTION 13-1404, SEXUAL  
28 CONDUCT WITH A MINOR PURSUANT TO SECTION 13-1405, SEXUAL ASSAULT PURSUANT TO  
29 SECTION 13-1406, MOLESTATION OF A CHILD PURSUANT TO SECTION 13-1410, CHILD  
30 PROSTITUTION PURSUANT TO SECTION 13-3212, COMMERCIAL SEXUAL EXPLOITATION OF  
31 A MINOR PURSUANT TO SECTION 13-3552, SEXUAL EXPLOITATION OF A MINOR PURSUANT  
32 TO SECTION 13-3553 OR INCEST PURSUANT TO SECTION 13-3608.

33        ~~27.~~ 29. "Shelter care" means the temporary care of a child in any  
34 public or private facility or home that is licensed by this state and that  
35 offers a physically nonsecure environment that is characterized by the  
36 absence of physically restricting construction or hardware and that provides  
37 the child access to the surrounding community.

38        Sec. 2. Section 8-201.01, Arizona Revised Statutes, is amended to  
39 read:

40        8-201.01. Prohibitions

41        Notwithstanding any other provision of this chapter or chapter 3 or 10  
42 of this title,:

43        1. no A child who in good faith is being furnished Christian Science  
44 treatment by a duly accredited practitioner shall NOT, for that reason alone,  
45 be considered to be an abused, neglected or dependent child.

1           2. A CHILD WHOSE PARENT, GUARDIAN OR CUSTODIAN REFUSES TO PUT THE  
2 CHILD ON A PSYCHIATRIC MEDICATION OR QUESTIONS THE USE OF A PSYCHIATRIC  
3 MEDICATION SHALL NOT BE CONSIDERED TO BE AN ABUSED, NEGLECTED OR DEPENDENT  
4 CHILD FOR THAT REASON ALONE.

5           Sec. 3. Title 8, chapter 2, article 2, Arizona Revised Statutes, is  
6 amended by adding sections 8-223 and 8-224, to read:

7           8-223. Jury trials

8           A HEARING TO TERMINATE PARENTAL RIGHTS THAT IS HELD PURSUANT TO SECTION  
9 8-537 OR 8-863 SHALL BE TRIED TO A JURY IF A JURY IS REQUESTED BY A PARENT,  
10 GUARDIAN OR CUSTODIAN WHOSE RIGHTS ARE SOUGHT TO BE TERMINATED.

11           8-224. Request for open hearing

12           A. A PERSON WHO IS THE SUBJECT OF AN INVESTIGATION UNDER CHAPTER 10  
13 OF THIS TITLE MAY REQUEST THAT A HEARING OR TRIAL RELATING TO THE DEPENDENCY  
14 PROCEEDING BE OPEN TO THE PUBLIC. THE COURT SHALL ORDER THE HEARING TO BE  
15 OPEN TO THE PUBLIC UNLESS THE COURT DETERMINES FOR GOOD CAUSE THAT ALL OR  
16 PART OF THE HEARING OR TRIAL SHOULD BE CLOSED. THE COURT MAY RECEIVE  
17 EVIDENCE AND SHALL MAKE WRITTEN FINDINGS IN SUPPORT OF ITS DECISION.

18           B. THE COURT SHALL NOTIFY A PERSON WHO IS THE SUBJECT OF AN  
19 INVESTIGATION UNDER CHAPTER 10 OF THIS TITLE OF THE RIGHT TO REQUEST AN OPEN  
20 HEARING OR TRIAL.

21           Sec. 4. Section 8-304, Arizona Revised Statutes, is amended effective  
22 from and after June 30, 2004, to read:

23           8-304. Investigation of alleged acts of delinquency,  
24 dependency, and incorrigibility

25           A. The law enforcement officer having jurisdiction in the place in  
26 which an act of delinquency or incorrigibility is alleged to have occurred  
27 shall have the responsibility for the complete investigation surrounding the  
28 alleged commission of the act.

29           B. A child protective services specialist of the state department of  
30 ~~economic security~~ shall have the responsibility for the complete  
31 investigation of all complaints of alleged dependency, AND AN EXTREMELY  
32 SERIOUS CONDUCT ALLEGATION SHALL BE INVESTIGATED IN COOPERATION WITH THE  
33 APPROPRIATE LAW ENFORCEMENT AGENCIES AND ACCORDING TO THE PROTOCOLS  
34 ESTABLISHED PURSUANT TO SECTION 8-817. The state department shall be  
35 responsible for the disposition of such child unless the matter requires the  
36 intervention of the court. FOR THE PURPOSES OF THIS SUBSECTION, "EXTREMELY  
37 SERIOUS CONDUCT ALLEGATION" HAS THE SAME MEANING PRESCRIBED IN SECTION 8-801.

38           Sec. 5. Section 8-515.05, Arizona Revised Statutes, is amended to  
39 read:

40           8-515.05. Removal of child from foster parent's home;  
41 requirements; notification; review

42           A. Unless a child is removed from a licensed foster parent, excluding  
43 a shelter care provider and receiving foster parent, to protect the child  
44 from harm or risk of harm, to place a child in a permanent placement, to  
45 reunite siblings, to place a child in a kinship foster home, to place a child

1 in the least restrictive setting, to place a child in a therapeutic setting  
2 or to place a child in accordance with the Indian child welfare act (title  
3 25 United States Code subsection 1915), the department shall inform the  
4 licensed foster parent of the department's intent to remove a child and place  
5 the child in another foster care placement. The department shall inform the  
6 licensed foster parent of the specific reason for the child's planned removal  
7 from the licensed foster parent.

8 B. If the licensed foster parent disagrees with the removal, the  
9 licensed foster parent shall inform the department within twenty-four hours  
10 of being informed. If the licensed foster parent disagrees with the plan to  
11 remove the child and place the child in another foster home placement, the  
12 department shall convene a case conference to review the reasons for the  
13 removal. The licensed foster parent and ~~a member~~ TWO MEMBERS of the foster  
14 care review board who ~~participates~~ PARTICIPATE in a removal review team shall  
15 participate in the case conference. A CHILD SHALL NOT BE REMOVED UNLESS A  
16 MAJORITY OF THE MEMBERS OF THE REVIEW TEAM AGREE THAT REMOVAL IS NECESSARY.

17 C. The department shall inform the licensed foster parent and the  
18 foster care review board of the time, date and location of the case  
19 conference to review the planned removal. The case conference shall be held  
20 within seventy-two hours of the licensed foster parent informing the  
21 department that the licensed foster parent disagrees with the planned  
22 removal, excluding weekends and holidays. The child shall remain in the  
23 current placement pending the outcome of the case conference.

24 D. If, as a result of the case conference, it is the department's  
25 continued intent to move the child pursuant to subsection A and the licensed  
26 foster parent continues to disagree and the child:

27 1. Is in the court ordered physical custody of the licensed foster  
28 parent, a foster care review board member shall provide a recommendation to  
29 the court regarding the removal of the child before the change of physical  
30 custody. The child shall remain in the current placement pending a court  
31 order for removal.

32 2. Is not in the physical custody of the licensed foster parent, the  
33 licensed foster parent shall be advised of the department's conflict  
34 resolution process. The department shall expedite the conflict resolution  
35 process. The child shall remain in the current placement pending the outcome  
36 of the conflict resolution process.

37 Sec. 6. Section 8-517, Arizona Revised Statutes, is amended to read:

38 8-517. Withdrawal from foster home

39 The division or agency that placed the child may withdraw a child from  
40 a foster home ONLY when the division or agency determines that withdrawal is  
41 ACCORDING TO WRITTEN, SPECIFIC STANDARDS AND IS CLEARLY necessary for the  
42 child's interests and welfare. The division may change the placement of a  
43 child made pursuant to section 8-514.02 if such THE change is necessary for  
44 the child's BEST interests and welfare.

1       Sec. 7. Section 8-522, Arizona Revised Statutes, is amended to read:  
2       8-522. Dependency actions; special advocate; appointment;  
3       duties; immunity

4       A. The presiding judge of the juvenile court in each county may  
5       appoint an adult as a special advocate to be the guardian ad litem for a  
6       child who is the subject of a dependency action. The court shall make this  
7       appointment at the earliest possible stage in the proceedings. A CHILD,  
8       THROUGH THE CHILD'S GUARDIAN AD LITEM OR ATTORNEY, HAS THE RIGHT TO BE  
9       INFORMED OF, TO BE PRESENT AT AND TO BE HEARD IN ANY PROCEEDING INVOLVING  
10      DEPENDENCY OR TERMINATION OF PARENTAL RIGHTS.

11      B. The supreme court shall certify special advocates pursuant to rules  
12      adopted by the court. Court rules for certification shall include compliance  
13      with qualification standards prescribed by the court.

14      C. The appointment of the special advocate continues until the court  
15      relieves the advocate of the advocate's responsibilities or until the court  
16      dismisses the action before it.

17      D. A special advocate serves without compensation but is entitled to  
18      reimbursement of expenses pursuant to guidelines prescribed by the supreme  
19      court by rule.

20      E. A special advocate shall:

21          1. MEET WITH THE CHILD.

22          2. ADVOCATE FOR THE CHILD'S SAFETY AS THE FIRST PRIORITY.

23          ~~1.~~ 3. Gather and provide independent, factual information to aid the  
24      court in making its decision regarding what is in the child's best interest  
25      and in determining if reasonable efforts have been made to prevent removal  
26      of the child from the child's home or ~~in-reunifying~~ TO REUNITE the child with  
27      the child's family.

28          ~~2.~~ 4. Provide advocacy to ensure that appropriate case planning and  
29      services are provided for the child.

30          ~~3.~~ 5. Perform other duties prescribed by the supreme court by rule.

31      F. A special advocate shall have access to all documents and  
32      information regarding the child and the child's family without obtaining  
33      prior approval of the child, the child's family or the court. All records  
34      and information the special advocate acquires, or reviews ~~during the course~~  
35      of the advocate's appointment and all work products and reports produced by  
36      the special advocate are confidential and OR PRODUCES may only be disclosed  
37      as provided for in section 41-1959.

38      G. The special advocate shall receive notice of all hearings,  
39      staffings, investigations and other matters concerning the child. The  
40      special advocate shall have a right to participate in the formulation of any  
41      agreement, stipulation or case plan entered into regarding the child.

42      H. A special advocate is immune from civil or criminal liability for  
43      the advocate's acts or omissions in connection with the authorized  
44      responsibilities the special advocate performs in good faith.



1           Sec. 8. Section 8-531, Arizona Revised Statutes, is amended to read:

2           8-531. Definitions

3           In this article, unless the context otherwise requires:

4           1. "Abandonment" means the failure of a parent to provide reasonable  
5 support and to maintain regular contact with the child, including providing  
6 normal supervision. Abandonment includes a judicial finding that a parent  
7 has made only minimal efforts to support and communicate with the child.  
8 Failure to maintain a normal parental relationship with the child without  
9 just cause for a period of six months constitutes prima facie evidence of  
10 abandonment.

11          ~~2. "Abuse" means the infliction of or allowing physical injury,~~  
12 ~~impairment of bodily function or disfigurement or the infliction of or~~  
13 ~~allowing another person to cause serious emotional damage as evidenced by~~  
14 ~~severe anxiety, depression, withdrawal or aggressive behavior and which~~  
15 ~~emotional damage is diagnosed by a medical doctor or psychologist pursuant~~  
16 ~~to section 8-821 and which is caused by the acts or omissions of an~~  
17 ~~individual having care, custody and control of a child. Abuse shall include~~  
18 ~~inflicting or allowing sexual abuse pursuant to section 13-1404, sexual~~  
19 ~~conduct with a minor pursuant to section 13-1405, sexual assault pursuant to~~  
20 ~~section 13-1406, molestation of a child pursuant to section 13-1410,~~  
21 ~~commercial sexual exploitation of a minor pursuant to section 13-3552, sexual~~  
22 ~~exploitation of a minor pursuant to section 13-3553, incest pursuant to~~  
23 ~~section 13-3608 or child prostitution pursuant to section 13-3212.~~

24          ~~3.~~ 2. "Agency" means an agency licensed by the division to place  
25 children for adoption.

26          ~~4.~~ 3. "Child" means a person less than eighteen years of age.

27          ~~5.~~ 4. "Custodian" means a person, other than a parent or legal  
28 guardian, who stands in loco parentis to the child or a person to whom legal  
29 custody of the child has been given by order of a court of competent  
30 jurisdiction.

31          ~~6.~~ 5. "Custody" or "legal custody" means a status embodying all of  
32 the following rights and responsibilities:

33           (a) The right to have physical possession of the child.

34           (b) The right and the duty to protect, train and discipline the child.

35           (c) The responsibility to provide the child with adequate food,  
36 clothing, shelter, education and medical care, provided that such rights and  
37 responsibilities shall be exercised subject to the powers, rights, duties and  
38 responsibilities of the guardian of the person and subject to the residual  
39 parental rights and responsibilities if they have not been terminated by  
40 judicial decree.

41          ~~7.~~ 6. "Division" means the department of economic security.

42          ~~8.~~ 7. "Guardian ad litem" means a person appointed by the court to  
43 protect the interest of a minor or an incompetent in a particular case before  
44 the court.

1           9. 8. "Guardianship of the person" with respect to a minor means the  
2 duty and authority to make important decisions in matters affecting the minor  
3 including but not necessarily limited either in number or kind to:

4           (a) The authority to consent to marriage, to enlistment in the armed  
5 forces of the United States and to major medical, psychiatric and surgical  
6 treatment, to represent the minor in legal actions, and to make other  
7 decisions concerning the child of substantial legal significance.

8           (b) The authority and duty of reasonable visitation, except to the  
9 extent that such right of visitation has been limited by court order.

10           (c) The rights and responsibilities of legal custody, except where  
11 legal custody has been vested in another individual or in an authorized  
12 agency.

13           (d) When the parent-child relationship has been terminated by judicial  
14 decree with respect to the parents, or only living parent, or when there is  
15 no living parent, the authority to consent to the adoption of the child and  
16 to make any other decision concerning the child which the child's parents  
17 could make.

18           ~~10.~~ 9. "Juvenile court" means the juvenile division of the superior  
19 court.

20           ~~11. "Neglect" or "neglected" means the inability or unwillingness of~~  
21 ~~a parent, guardian or custodian of a child to provide that child with~~  
22 ~~supervision, food, clothing, shelter or medical care if that inability or~~  
23 ~~unwillingness causes substantial risk of harm to the child's health or~~  
24 ~~welfare, unless the inability of a parent or guardian to provide services to~~  
25 ~~meet the needs of a child with a disability or chronic illness is solely the~~  
26 ~~result of the unavailability of reasonable services.~~

27           ~~12.~~ 10. "Parent" means the natural or adoptive mother or father of a  
28 child.

29           ~~13.~~ 11. "Parent-child relationship" includes all rights, privileges,  
30 duties and obligations existing between parent and child, including  
31 inheritance rights.

32           ~~14.~~ 12. "Parties" includes the child, the petitioners and any parent  
33 of the child required to consent to the adoption pursuant to section 8-106.

34           ~~15. "Serious physical or emotional injury" means an injury diagnosed~~  
35 ~~by a medical doctor or a psychologist that:~~

36           ~~(a) Creates a reasonable risk of death.~~

37           ~~(b) Causes serious or permanent disfigurement.~~

38           ~~(c) Causes extreme physical pain.~~

39           ~~(d) Causes serious impairment of health.~~

40           ~~(e) Causes the loss or protracted impairment of an organ or limb.~~

41           ~~(f) Impairs mental faculties.~~

42           ~~(g) Causes anxiety, depression, withdrawal or social dysfunction~~  
43 ~~behavior to the extent that the child suffers severe dysfunction that~~  
44 ~~requires treatment.~~

1       ~~(h) Causes the infliction of or allows multiple or repeated acts of~~  
2 ~~sexual abuse pursuant to section 13-1404, sexual conduct with a minor~~  
3 ~~pursuant to section 13-1405, sexual assault pursuant to section 13-1406,~~  
4 ~~molestation of a child pursuant to section 13-1410, commercial sexual~~  
5 ~~exploitation of a minor pursuant to section 13-3552, sexual exploitation of~~  
6 ~~a minor pursuant to section 13-3553, incest pursuant to section 13-3608 or~~  
7 ~~child prostitution pursuant to section 13-3212.~~

8       Sec. 9. Section 8-537, Arizona Revised Statutes, is amended to read:

9       8-537. Termination adjudication hearing

10       A. If a petition for terminating the parent-child relationship is  
11 contested, the court shall hold a termination adjudication hearing. The  
12 general public shall be excluded and only such persons admitted whose  
13 presence the judge finds to have a direct interest in the case or the work  
14 of the court, provided that such person so admitted shall not disclose any  
15 information secured at the hearing. The court may require the presence of  
16 any parties and witnesses it deems necessary to the disposition of the  
17 petition, except that a parent who has executed a waiver pursuant to section  
18 8-535, or has relinquished the parent's rights to the child shall not be  
19 required to appear at the hearing.

20       B. The court's OR JURY'S findings with respect to grounds for  
21 termination shall be based upon clear and convincing evidence under the rules  
22 applicable and adhering to the trial of civil causes. The court OR JURY may  
23 consider any and all reports required by this article or ordered by the court  
24 pursuant to this article and such reports are admissible in evidence without  
25 objection.

26       C. If a parent does not appear at the pretrial conference, status  
27 conference or termination adjudication hearing, the court, after determining  
28 that the parent has been instructed as provided in section 8-535, may find  
29 that the parent has waived the parent's legal rights and is deemed to have  
30 admitted the allegations of the petition by the failure to appear. The court  
31 may terminate the parent-child relationship as to a parent who does not  
32 appear based on the record and evidence presented as provided in rules  
33 prescribed by the supreme court.

34       Sec. 10. Section 8-537, Arizona Revised Statutes, as amended by this  
35 act, is amended effective from and after December 31, 2006, to read:

36       8-537. Termination adjudication hearing

37       A. If a petition for terminating the parent-child relationship is  
38 contested, the court shall hold a termination adjudication hearing. The  
39 general public shall be excluded and only such persons admitted whose  
40 presence the judge finds to have a direct interest in the case or the work  
41 of the court, provided that such person so admitted shall not disclose any  
42 information secured at the hearing. The court may require the presence of  
43 any parties and witnesses it deems necessary to the disposition of the  
44 petition, except that a parent who has executed a waiver pursuant to section

1 8-535, or has relinquished the parent's rights to the child shall not be  
2 required to appear at the hearing.

3 B. The court's ~~or jury's~~ findings with respect to grounds for  
4 termination shall be based upon clear and convincing evidence under the rules  
5 applicable and adhering to the trial of civil causes. The court ~~or jury~~ may  
6 consider any and all reports required by this article or ordered by the court  
7 pursuant to this article and such reports are admissible in evidence without  
8 objection.

9 C. If a parent does not appear at the pretrial conference, status  
10 conference or termination adjudication hearing, the court, after determining  
11 that the parent has been instructed as provided in section 8-535, may find  
12 that the parent has waived the parent's legal rights and is deemed to have  
13 admitted the allegations of the petition by the failure to appear. The court  
14 may terminate the parent-child relationship as to a parent who does not  
15 appear based on the record and evidence presented as provided in rules  
16 prescribed by the supreme court.

17 Sec. 11. Title 8, chapter 10, article 1, Arizona Revised Statutes, is  
18 amended by adding section 8-800, to read:

19 8-800. Purpose of child protective services

20 THE PRIMARY PURPOSES OF CHILD PROTECTIVE SERVICES ARE TO PROTECT  
21 CHILDREN BY INVESTIGATING ALLEGATIONS OF ABUSE AND NEGLECT, PROMOTING THE  
22 WELL-BEING OF THE CHILD IN A PERMANENT HOME AND COORDINATING SERVICES TO  
23 STRENGTHEN THE FAMILY AND PREVENT, INTERVENE IN AND TREAT ABUSE AND NEGLECT  
24 OF CHILDREN.

25 Sec. 12. Section 8-801, Arizona Revised Statutes, is amended to read:

26 8-801. Definitions

27 In this chapter, unless the context otherwise requires:

28 1. "CHILD PROTECTIVE SERVICES WORKER" OR "WORKER" MEANS A PERSON WHO  
29 HAS BEEN SELECTED BY AND TRAINED UNDER THE REQUIREMENTS PRESCRIBED BY THE  
30 DEPARTMENT AND WHO ASSISTS IN CARRYING OUT THE PROVISIONS OF THIS ARTICLE.

31 2. "EXTREMELY SERIOUS CONDUCT ALLEGATION" MEANS AN ALLEGATION OF  
32 CONDUCT BY A PARENT, GUARDIAN OR CUSTODIAN OF A CHILD THAT, IF TRUE, WOULD  
33 CONSTITUTE ANY OF THE FOLLOWING:

34 (a) A VIOLATION OF SECTION 13-3623 INVOLVING CHILD ABUSE.

35 (b) A FELONY OFFENSE THAT CONSTITUTES DOMESTIC VIOLENCE AS DEFINED IN  
36 SECTION 13-3601.

37 (c) A VIOLATION OF SECTION 13-1404 OR 13-1406 INVOLVING A MINOR.

38 (d) A VIOLATION OF SECTION 13-1405, 13-1410 OR 13-1417.

39 (e) ANY OTHER ACT OF ABUSE THAT IS CLASSIFIED AS A FELONY.

40 3. "IN-HOME INTERVENTION" MEANS A PROGRAM OF SERVICES PROVIDED  
41 PURSUANT TO ARTICLE 7 OF THIS CHAPTER WHILE THE CHILD IS STILL IN THE CUSTODY  
42 OF THE PARENT, GUARDIAN OR CUSTODIAN.

43 ~~1.~~ 4. "Protective services" means ~~an identifiable and~~ A specialized  
44 child welfare program THAT IS ADMINISTERED BY THE DEPARTMENT AS PROVIDED IN  
45 THIS CHAPTER AND that INVESTIGATES ALLEGATIONS OF AND seeks to prevent

1 dependency, INTERVENE IN AND TREAT abuse and NEGLECT, TO PROMOTE THE  
2 WELL-BEING OF THE CHILD IN A PERMANENT HOME AND TO COORDINATE SERVICES TO  
3 STRENGTHEN THE FAMILY. ~~exploitation of children by reaching out with social~~  
4 ~~services to stabilize family life and that seeks to preserve the family unit~~  
5 ~~by focusing on families in which unresolved problems have produced visible~~  
6 ~~signs of dependency or abuse and the home situation presents actual and~~  
7 ~~potential hazards to the physical or emotional well-being of children. The~~  
8 ~~program shall seek to strengthen parental capacity and ability to provide~~  
9 ~~child care.~~

10 ~~2. "Protective services worker" or "worker" means a person who has~~  
11 ~~been selected by and trained under the requirements prescribed by the~~  
12 ~~department of economic security and who assists in carrying out the~~  
13 ~~provisions of this article.~~

14 Sec. 13. Section 8-802, Arizona Revised Statutes, is amended to read:

15 8-802. Child protective services worker; powers and duties;

16 alteration of files; violation; classification

17 A. THE DEPARTMENT SHALL EMPLOY CHILD protective services workers shall  
18 ~~be employed by the state department of economic security. THE DEPARTMENT~~  
19 ~~SHALL NOT HIRE A PERSON AS A CHILD PROTECTIVE SERVICES WORKER IF THE PERSON~~  
20 ~~HAS BEEN CONVICTED OF AN OFFENSE DESCRIBED IN SECTION 41-1758.03, SUBSECTION~~  
21 ~~B OR C.~~

22 B. The department may cooperate with county agencies and community  
23 social services agencies to achieve the purposes of this section.

24 C. A CHILD protective services worker shall:

25 1. PROMOTE THE SAFETY AND PROTECTION OF CHILDREN.

26 2. ACCEPT, SCREEN AND ASSESS REPORTS OF ABUSE OR NEGLECT PURSUANT TO  
27 SECTION 8-817.

28 ~~1. 3. Be prepared to Receive reports of dependent, abused or~~  
29 ~~abandoned children and be prepared to provide temporary foster care for such~~  
30 ~~children on a twenty-four hour basis.~~

31 ~~2. 4. Receive from any source oral or written information regarding~~  
32 ~~a child who may be in need of protective services. A worker shall not~~  
33 ~~interview a child without the prior written consent of the parent, guardian~~  
34 ~~or custodian of the child unless either:~~

35 (a) The child initiates contact with the worker.

36 (b) The child WHO IS interviewed is the subject of or is the sibling  
37 of or living with the child who is the subject of an abuse or abandonment  
38 investigation pursuant to paragraph 3- 5, subdivision (b) of this subsection.

39 ~~3. 5. After THE receipt and initial screening pursuant to rules~~  
40 ~~adopted by the department under title 41, chapter 6 of any report or~~  
41 ~~information pursuant to paragraph 1- 2, 3 or 2- 4 of this subsection,~~  
42 ~~immediately do both of the following:~~

43 (a) Notify the municipal or county law enforcement agency.

44 (b) Make a prompt and thorough investigation of the nature, extent and  
45 cause of any condition which THAT would tend to support or refute the

1 allegation that the child should be adjudicated dependent and the name, age  
2 and condition of other children in the home. AN EXTREMELY SERIOUS CONDUCT  
3 ALLEGATION SHALL BE INVESTIGATED ACCORDING TO THE PROTOCOLS ESTABLISHED  
4 PURSUANT TO SECTION 8-817 WITH THE APPROPRIATE MUNICIPAL OR COUNTY LAW  
5 ENFORCEMENT AGENCY AS PROVIDED IN SECTION 8-817.

6 ~~4.~~ 6. Take a child into temporary custody as provided in section  
7 8-821. Law enforcement officers shall cooperate with the department to  
8 remove a child from the custody of the child's parents, guardian or custodian  
9 when necessary.

10 ~~5.~~ 7. After investigation, evaluate conditions created by the  
11 parents, guardian or custodian which THAT would support or refute the  
12 allegation that the child should be adjudicated dependent. The CHILD  
13 protective services worker shall then determine whether any child is in need  
14 of protective services.

15 ~~6.~~ 8. Offer to the family of any child WHO IS found to be a child in  
16 need of protective services those services THAT ARE designed to correct  
17 unresolved problems which THAT would indicate A reason to adjudicate the  
18 child dependent.

19 ~~7.~~ 9. Submit a written report of the worker's investigation to:

20 (a) The department's case management information system within  
21 twenty-one days after receipt of the initial information except as provided  
22 in section 8-811. If the investigation involves allegations regarding a  
23 child who at the time of the alleged incident was in the custody of a child  
24 welfare agency licensed by the department of economic security under this  
25 title, a copy of the report and any additional investigative or other related  
26 reports shall be provided to the board of directors of the agency or to the  
27 administrative head of the agency unless the incident is alleged to have been  
28 committed by the person. The department shall excise all information with  
29 regard to the identity of the source of the reports.

30 (b) The appropriate court forty-eight hours ~~prior to~~ BEFORE a  
31 dependency hearing pursuant to a petition of dependency or within twenty-one  
32 days after a petition of dependency is filed, whichever is earlier. On  
33 receipt of the report the court shall make the report available to all  
34 parties and counsel.

35 ~~8.~~ 10. Accept a child into voluntary placement pursuant to section  
36 8-806.

37 D. No child shall remain in temporary custody for a period exceeding  
38 seventy-two hours, excluding Saturdays, Sundays and holidays, unless a  
39 dependency petition is filed. If no petition is filed and the child is  
40 released to the child's parent, guardian or custodian, the worker shall file  
41 a report of removal with the central registry within seventy-two hours of the  
42 child's release. The report shall include:

43 1. The dates of previous referrals, investigations or temporary  
44 custody.

1           2. The dates on which other children in the family have been taken  
2 into temporary custody.

3           E. THE DEPARTMENT SHALL PROVIDE CHILD PROTECTIVE SERVICES WORKERS WHO  
4 INVESTIGATE ALLEGATIONS OF ABUSE AND NEGLECT WITH TRAINING IN FORENSIC  
5 INTERVIEWING AND PROCESSES, THE PROTOCOLS DEVELOPED PURSUANT TO SECTION 8-817  
6 AND RELEVANT LAW ENFORCEMENT PROCEDURES. ALL CHILD PROTECTIVE SERVICES  
7 WORKERS SHALL BE TRAINED IN THEIR DUTY TO PROTECT THE LEGAL RIGHTS OF  
8 CHILDREN AND FAMILIES FROM THE TIME OF THE INITIAL CONTACT THROUGH TREATMENT.  
9 THE TRAINING FOR CHILD PROTECTIVE SERVICES WORKERS SHALL ALSO INCLUDE  
10 INSTRUCTION ON THE LEGAL RIGHTS OF PARENTS AND THE REQUIREMENTS FOR LEGAL  
11 SEARCH AND SEIZURE BY LAW ENFORCEMENT OFFICERS.

12           F. Any person who alters a client file for the purpose of fraud  
13 or misrepresentation is guilty of a class 2 misdemeanor.

14           Sec. 14. Section 8-803, Arizona Revised Statutes, is amended to read:

15           8-803. Limitation of authority; duty to inform

16           A. Upon initial contact with a parent, guardian or custodian under  
17 investigation pursuant to this article, a CHILD protective services worker  
18 shall inform the family that the family is under investigation by the  
19 department, SHALL INFORM THE PARENT, GUARDIAN OR CUSTODIAN OF THE SPECIFIC  
20 COMPLAINT OR ALLEGATION MADE AGAINST THAT PERSON and shall make clear that  
21 the protective services worker has no legal authority to compel the family  
22 to cooperate with the investigation or to receive protective services offered  
23 pursuant to the investigation. The protective services worker shall inform  
24 the family of the worker's authority to petition the juvenile court for a  
25 determination that a child is dependent. The protective services worker  
26 shall inform the parent, guardian or custodian of that person's right to  
27 participate in the mediation program in the attorney general's office, to  
28 file a complaint with the ombudsman-citizens aide pursuant to section 41-1376  
29 and to appeal determinations made by child protective services. The worker  
30 shall provide the telephone numbers of these state agencies. The protective  
31 services worker shall supply the information prescribed in this subsection  
32 and information outlining parental rights under the laws of this state in  
33 writing and shall make all reasonable efforts to receive written  
34 acknowledgment from the parent, guardian or custodian.

35           B. The CHILD protective services worker shall also inform the person  
36 about whom the report was made about that person's right to respond to the  
37 allegations either verbally or in writing, including any documentation, and  
38 to have this information considered in determining if the child is in need  
39 of protective services. The protective services worker shall tell the person  
40 that anything the person says or writes can be used in a court proceeding.  
41 If the person makes a verbal response, the protective services worker shall  
42 include the response in the written report of the investigation. If the  
43 person makes a written response, including any documentation, the protective  
44 services worker shall include this response and the documentation in the case  
45 file. Information provided in response to the allegations shall be

1 considered during the investigation by the protective services worker. The  
2 protective services worker shall maintain the response and documentation in  
3 the case file and provide this information to the court before a hearing or  
4 trial relating to the dependency petition.

5 C. If the family declines to cooperate with the investigation or to  
6 accept or to participate in the offered services, or if the worker otherwise  
7 believes that the child should be adjudicated dependent, the worker may file  
8 with the juvenile court a petition requesting that the child in need of  
9 protective services be adjudicated dependent.

10 D. Refusal to cooperate in the investigation or to participate in the  
11 offered services does not constitute grounds for temporary custody of a child  
12 except if there is a clear necessity for temporary custody as provided in  
13 section 8-821.

14 Sec. 15. Section 8-804, Arizona Revised Statutes, is amended to read:

15 8-804. Central registry; notification

16 A. The department of economic security shall maintain a central  
17 registry of reports of child abuse and neglect that are substantiated and the  
18 outcome of the investigation of these reports made under this article. The  
19 department shall incorporate duplicate reports on the same incident in the  
20 original report and shall not classify duplicate reports as new reports.

21 B. Information contained in the central registry shall be used by the  
22 department only for the following purposes:

23 1. To conduct background checks as one factor to determine  
24 qualifications for foster home licensing, adoptive parent certification,  
25 child care home certification, registration of unregulated child care homes  
26 with the child care resource and referral system, and home and community  
27 based services certification for services to children.

28 2. TO CONDUCT BACKGROUND CHECKS AS ONE FACTOR TO DETERMINE  
29 QUALIFICATIONS FOR PERSONS APPLYING FOR EMPLOYMENT WITH THIS STATE IN  
30 POSITIONS THAT PROVIDE DIRECT SERVICE TO CHILDREN OR VULNERABLE ADULTS AND  
31 PERSONS APPLYING FOR CONTRACTS WITH THIS STATE, INCLUDING EMPLOYEES OF THE  
32 POTENTIAL CONTRACTOR, FOR POSITIONS THAT PROVIDE DIRECT SERVICE TO CHILDREN  
33 OR VULNERABLE ADULTS.

34 ~~2.~~ 3. To identify and review reports concerning individual children  
35 and families, in order to facilitate the assessment of risk.

36 ~~3.~~ 4. To determine the nature and scope of child abuse and neglect  
37 in this state and to provide statewide statistical and demographic  
38 information concerning trends in child abuse and neglect.

39 ~~4.~~ 5. To allow comparisons of this state's statistical data with  
40 national data.

41 ~~5.~~ 6. To comply with section 8-804.01, subsection B.

42 C. If the department received a report before September 1, 1999 and  
43 determined that the report was substantiated, the department shall maintain  
44 the report in the central registry until eighteen years from the child  
45 victim's date of birth.



1 D. If the department received a report on or after September 1, 1999  
2 and determined that the report was substantiated, the department shall  
3 maintain the report in the central registry for twenty-five years after the  
4 date of the report.

5 E. The department shall annually purge reports and investigative  
6 outcomes received pursuant to the time frames prescribed in subsections C and  
7 D of this section.

8 F. Any person who was the subject of a child protective services  
9 investigation may request confirmation that the department has purged  
10 information about the person pursuant to subsection E of this section. On  
11 receipt of this request, the department shall provide the person with written  
12 confirmation that the department has no record containing identifying  
13 information about that person.

14 Sec. 16. Section 8-804.01, Arizona Revised Statutes, is amended to  
15 read:

16 8-804.01. Maintenance of reports; records

17 A. All reports of child abuse and neglect and related records shall  
18 be maintained in the department's case management information system in  
19 accordance with the time frames established in the department's records  
20 retention schedule.

21 B. In addition to the purposes prescribed in section 8-807, reports  
22 and related records maintained pursuant to subsection A of this section shall  
23 be used by the department only for the following purposes:

24 1. To assess the safety and risk to a child when conducting an  
25 investigation or identification of abuse or neglect.

26 2. To determine placement for a child that is the least restrictive  
27 setting.

28 3. To determine the type and level of services and treatment provided  
29 to the child and the child's family.

30 4. To assist in a criminal investigation or prosecution of child abuse  
31 or neglect.

32 5. To meet state and federal reporting requirements.

33 C. Notwithstanding section 8-807 and except as otherwise provided by  
34 law, reports and related records maintained pursuant to subsection A of this  
35 section shall not be used for purposes of employment or background checks,  
36 except for background checks conducted pursuant to section 8-804,  
37 subsection B, PARAGRAPH 1.

38 D. If probable cause exists that abuse or neglect of a child has  
39 occurred, the department shall record this finding. The department may make  
40 this finding independent of whether a specific person is identified as  
41 responsible for the abuse or neglect.

42 E. If the department is unable to locate a child who is the subject  
43 of a report of abuse or neglect, the department shall record its findings  
44 THIS FINDING separate from its other findings.

1 F. Subject to the requirements of sections 8-804 and 8-811, whenever  
2 possible, the department shall determine if a specific person is responsible  
3 for the abuse or neglect of a child.

4 ~~6. For the purposes of this section, "records" has the same meaning~~  
5 ~~prescribed in section 8-807.~~

6 Sec. 17. Repeal

7 Section 8-807, Arizona Revised Statutes, is repealed.

8 Sec. 18. Title 8, chapter 10, article 1, Arizona Revised Statutes, is  
9 amended by adding a new section 8-807, to read:

10 8-807. CPS information; public record; use; confidentiality;  
11 violation; classification; definitions

12 A. CPS INFORMATION SHALL BE MAINTAINED BY THE DEPARTMENT AS REQUIRED  
13 BY FEDERAL LAW AS A CONDITION OF THE ALLOCATION OF FEDERAL MONIES TO THIS  
14 STATE. ALL EXCEPTIONS FOR THE PUBLIC RELEASE OF CPS INFORMATION SHALL BE  
15 CONSTRUED AS OPENLY AS POSSIBLE UNDER FEDERAL LAW.

16 B. IF THERE IS A REASONABLE NEED FOR THE CPS INFORMATION, THE  
17 DEPARTMENT, OR A PERSON WHO RECEIVES CPS INFORMATION PURSUANT TO THIS  
18 SUBSECTION, SHALL PROVIDE CPS INFORMATION TO A FEDERAL AGENCY, A STATE  
19 AGENCY, A TRIBAL AGENCY, A COUNTY OR MUNICIPAL AGENCY, A COUNTY ATTORNEY, A  
20 SCHOOL, A COMMUNITY SERVICE PROVIDER, A CONTRACT SERVICE PROVIDER OR ANY  
21 OTHER PERSON THAT IS PROVIDING SERVICES PURSUANT TO THIS CHAPTER:

22 1. TO MEET ITS DUTIES TO PROVIDE FOR THE SAFETY, PERMANENCY AND  
23 WELL-BEING OF A CHILD, PROVIDE SERVICES TO A PARENT, GUARDIAN OR CUSTODIAN  
24 OR PROVIDE SERVICES TO FAMILY MEMBERS TO STRENGTHEN THE FAMILY PURSUANT TO  
25 THIS CHAPTER.

26 2. TO ENFORCE OR PROSECUTE ANY VIOLATION INVOLVING CHILD ABUSE OR  
27 NEGLECT, INCLUDING PROVISION OF THE CPS INFORMATION TO A DEFENDANT AFTER A  
28 CRIMINAL CHARGE HAS BEEN FILED.

29 C. THE DEPARTMENT SHALL DISCLOSE CPS INFORMATION TO A COURT, A PARTY  
30 IN A DEPENDENCY OR TERMINATION OF PARENTAL RIGHTS PROCEEDING OR THE PARTY'S  
31 ATTORNEY, THE FOSTER CARE REVIEW BOARD OR A COURT APPOINTED SPECIAL ADVOCATE  
32 FOR THE PURPOSES OF AND AS PRESCRIBED IN THIS TITLE.

33 D. THE DEPARTMENT SHALL DISCLOSE CPS INFORMATION TO A DOMESTIC  
34 RELATIONS, FAMILY OR CONCILIATION COURT IF THE CPS INFORMATION IS NECESSARY  
35 TO PROMOTE THE SAFETY AND WELL-BEING OF CHILDREN. THE COURT SHALL NOTIFY THE  
36 PARTIES THAT IT HAS RECEIVED THE CPS INFORMATION.

37 E. A PERSON OR AGENT OF A PERSON WHO IS THE SUBJECT OF CPS INFORMATION  
38 SHALL HAVE ACCESS TO CPS INFORMATION CONCERNING THAT PERSON.

39 F. THE DEPARTMENT:

40 1. MAY PROVIDE CPS INFORMATION TO CONFIRM, CLARIFY OR CORRECT  
41 INFORMATION CONCERNING AN ALLEGATION OR ACTUAL INSTANCE OF CHILD ABUSE OR  
42 NEGLECT THAT HAS BEEN MADE PUBLIC BY SOURCES OUTSIDE THE DEPARTMENT.

43 2. MAY PROVIDE AND, ON REQUEST, SHALL PROVIDE SUMMARY INFORMATION  
44 REGARDING A FATALITY OR NEAR FATALITY CAUSED BY ABUSE OR NEGLECT.

1           3. MAY PROVIDE CPS INFORMATION TO A PERSON WHO IS CONDUCTING BONA FIDE  
2 RESEARCH, THE RESULTS OF WHICH MIGHT PROVIDE CPS INFORMATION THAT IS  
3 BENEFICIAL IN IMPROVING CHILD PROTECTIVE SERVICES.

4           4. MAY PROVIDE ACCESS TO CPS INFORMATION TO THE PARENT, GUARDIAN OR  
5 CUSTODIAN OF A CHILD IF THE CPS INFORMATION IS REASONABLY NECESSARY TO  
6 PROMOTE THE SAFETY, PERMANENCY AND WELL-BEING OF THE CHILD.

7           G. ACCESS TO CPS INFORMATION IN THE CENTRAL REGISTRY SHALL BE PROVIDED  
8 AS PRESCRIBED IN SECTION 8-804.

9           H. TO PROVIDE OVERSIGHT OF CHILD PROTECTIVE SERVICES, THE DEPARTMENT  
10 SHALL PROVIDE ACCESS TO CPS INFORMATION TO THE FOLLOWING PERSONS, IF THE CPS  
11 INFORMATION IS REASONABLY NECESSARY FOR THE PERSON TO PERFORM THE PERSON'S  
12 OFFICIAL DUTIES:

13           1. FEDERAL OR STATE AUDITORS.

14           2. PERSONS CONDUCTING ANY ACCREDITATION DEEMED NECESSARY BY THE  
15 DEPARTMENT.

16           3. A STANDING COMMITTEE OF THE LEGISLATURE OR A COMMITTEE APPOINTED  
17 BY THE PRESIDENT OF THE SENATE OR THE SPEAKER OF THE HOUSE OF REPRESENTATIVES  
18 FOR PURPOSES OF CONDUCTING INVESTIGATIONS RELATED TO THE LEGISLATIVE  
19 OVERSIGHT OF THE DEPARTMENT OF ECONOMIC SECURITY. THIS INFORMATION SHALL NOT  
20 BE FURTHER DISCLOSED.

21           4. A LEGISLATOR WHO IS RESPONSIBLE FOR OVERSIGHT OF THE ENABLING OR  
22 APPROPRIATING LEGISLATION TO CARRY OUT THESE FUNCTIONS. THIS INFORMATION  
23 SHALL NOT BE FURTHER DISCLOSED. TO REQUEST A FILE PURSUANT TO THIS PARAGRAPH:

24           (a) THE LEGISLATOR SHALL SUBMIT A WRITTEN REQUEST FOR CPS INFORMATION  
25 TO THE PRESIDING OFFICER OF THE BODY OF WHICH THE STATE LEGISLATOR IS A  
26 MEMBER. THE REQUEST SHALL STATE THE NAME OF THE PERSON WHOSE CASE FILE IS  
27 TO BE REVIEWED AND ANY OTHER INFORMATION THAT WILL ASSIST THE DEPARTMENT IN  
28 LOCATING THE FILE. THE REQUEST SHALL ALSO INCLUDE THE OFFICE OF THE  
29 DEPARTMENT AT WHICH THE LEGISLATOR WANTS TO REVIEW THE FILE.

30           (b) THE PRESIDING OFFICER SHALL FORWARD THE REQUEST TO THE DEPARTMENT  
31 WITHIN FIVE WORKING DAYS OF THE RECEIPT OF THE REQUEST.

32           (c) THE DEPARTMENT SHALL MAKE THE NECESSARY ARRANGEMENTS FOR THE  
33 LEGISLATOR TO REVIEW THE FILE AT AN OFFICE OF THE DEPARTMENT, CHOSEN BY THE  
34 LEGISLATOR, WITHIN TEN WORKING DAYS.

35           (d) THE LEGISLATOR SHALL SIGN A FORM, BEFORE REVIEWING THE FILE, THAT  
36 OUTLINES THE CONFIDENTIALITY LAWS GOVERNING CHILD PROTECTIVE SERVICES FILES  
37 AND PENALTIES FOR FURTHER RELEASE OF THE INFORMATION.

38           5. A CITIZEN REVIEW PANEL AS PRESCRIBED BY FEDERAL LAW, A CHILD  
39 FATALITY REVIEW TEAM AS PROVIDED IN TITLE 36, CHAPTER 35 AND THE OFFICE OF  
40 OMBUDSMAN-CITIZEN'S AIDE.

41           I. A PERSON WHO IS NOT SPECIFICALLY AUTHORIZED BY THIS SECTION TO  
42 OBTAIN CPS INFORMATION MAY PETITION A JUDGE OF THE SUPERIOR COURT TO ORDER  
43 THE DEPARTMENT TO RELEASE THAT CPS INFORMATION. THE COURT SHALL BALANCE THE  
44 RIGHTS OF THE PARTIES ENTITLED TO CONFIDENTIALITY PURSUANT TO THIS SECTION  
45 AGAINST THE RIGHTS OF THE PARTIES SEEKING RELEASE OF THE CPS

1 INFORMATION. THE COURT MAY RELEASE OTHERWISE CONFIDENTIAL CPS INFORMATION  
2 ONLY IF THE RIGHTS OF THE PARTIES SEEKING THE CPS INFORMATION AND ANY  
3 BENEFITS FROM RELEASING THE CPS INFORMATION SOUGHT OUTWEIGH THE RIGHTS OF THE  
4 PARTIES ENTITLED TO CONFIDENTIALITY AND ANY HARM THAT MAY RESULT FROM  
5 RELEASING THE CPS INFORMATION SOUGHT.

6 J. EXCEPT AS PROVIDED IN SUBSECTION K OF THIS SECTION, BEFORE IT  
7 RELEASES RECORDS UNDER THIS SECTION, THE DEPARTMENT SHALL TAKE WHATEVER  
8 PRECAUTIONS IT DETERMINES ARE REASONABLY NECESSARY TO PROTECT THE IDENTITY  
9 AND SAFETY OF A PERSON WHO REPORTS CHILD ABUSE OR NEGLECT AND TO PROTECT ANY  
10 OTHER PERSON IF THE DEPARTMENT BELIEVES THAT DISCLOSURE OF THE CPS  
11 INFORMATION WOULD BE LIKELY TO ENDANGER THE LIFE OR SAFETY OF THE  
12 PERSON. THE DEPARTMENT IS NOT REQUIRED BY THIS SECTION TO DISCLOSE CPS  
13 INFORMATION IF THE DISCLOSURE WOULD COMPROMISE THE INTEGRITY OF A CHILD  
14 PROTECTIVE SERVICES OR CRIMINAL INVESTIGATION.

15 K. A PERSON WHO IS THE SUBJECT OF AN UNFOUNDED REPORT OR COMPLAINT  
16 MADE PURSUANT TO THIS CHAPTER AND WHO BELIEVES THAT THE REPORT OR COMPLAINT  
17 WAS MADE IN BAD FAITH OR WITH MALICIOUS INTENT MAY PETITION A JUDGE OF THE  
18 SUPERIOR COURT TO ORDER THE DEPARTMENT TO RELEASE THE CPS INFORMATION. THE  
19 PETITION SHALL SPECIFICALLY SET FORTH REASONS SUPPORTING THE PERSON'S BELIEF  
20 THAT THE REPORT OR COMPLAINT WAS MADE IN BAD FAITH OR WITH MALICIOUS INTENT.  
21 THE COURT SHALL REVIEW THE CPS INFORMATION IN CAMERA AND THE PERSON FILING  
22 THE PETITION SHALL BE ALLOWED TO PRESENT EVIDENCE IN SUPPORT OF THE PETITION.  
23 IF THE COURT DETERMINES THAT THERE IS A REASONABLE QUESTION OF FACT AS TO  
24 WHETHER THE REPORT OR COMPLAINT WAS MADE IN BAD FAITH OR WITH MALICIOUS  
25 INTENT AND THAT DISCLOSURE OF THE IDENTITY OF THE PERSON MAKING THE REPORT  
26 OR COMPLAINT WOULD NOT BE LIKELY TO ENDANGER THE LIFE OR SAFETY OF THE PERSON  
27 MAKING THE REPORT OR COMPLAINT, IT SHALL PROVIDE A COPY OF THE CPS  
28 INFORMATION TO THE PERSON FILING THE PETITION AND THE ORIGINAL CPS  
29 INFORMATION IS SUBJECT TO DISCOVERY IN A SUBSEQUENT CIVIL ACTION REGARDING  
30 THE MAKING OF THE REPORT OR COMPLAINT.

31 L. THE DEPARTMENT SHALL PROVIDE THE PERSON WHO CONDUCTS A FORENSIC  
32 MEDICAL EVALUATION WITH ANY RECORDS THE PERSON REQUESTS, INCLUDING SOCIAL  
33 HISTORY AND FAMILY HISTORY REGARDING THE CHILD, THE CHILD'S SIBLINGS AND THE  
34 CHILD'S PARENTS OR GUARDIANS.

35 M. THE DEPARTMENT SHALL PROVIDE CPS INFORMATION ON REQUEST TO A  
36 PROSPECTIVE ADOPTIVE PARENT, FOSTER PARENT OR GUARDIAN, IF THE INFORMATION  
37 CONCERNS A CHILD THE PROSPECTIVE ADOPTIVE PARENT, FOSTER PARENT OR GUARDIAN  
38 SEEKS TO ADOPT OR PROVIDE CARE FOR.

39 N. IF THE DEPARTMENT RECEIVES INFORMATION THAT IS CONFIDENTIAL BY LAW,  
40 THE DEPARTMENT SHALL MAINTAIN THE CONFIDENTIALITY OF THE INFORMATION AS  
41 PRESCRIBED IN THE APPLICABLE LAW.

42 O. A PERSON MAY AUTHORIZE THE RELEASE OF CPS INFORMATION ABOUT THE  
43 PERSON BUT MAY NOT WAIVE THE CONFIDENTIALITY OF CPS INFORMATION CONCERNING  
44 ANY OTHER PERSON.

1 P. THE DEPARTMENT MAY PROVIDE A SUMMARY OF THE OUTCOME OF A CHILD  
2 PROTECTIVE SERVICES INVESTIGATION TO THE PERSON WHO REPORTED THE SUSPECTED  
3 CHILD ABUSE OR NEGLECT.

4 Q. THE DEPARTMENT SHALL ADOPT RULES TO FACILITATE THE ACCESSIBILITY  
5 OF CPS INFORMATION.

6 R. THE DEPARTMENT MAY CHARGE A FEE FOR COPYING COSTS REQUIRED TO  
7 PREPARE CPS INFORMATION FOR RELEASE PURSUANT TO THIS SECTION.

8 S. A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A CLASS 2  
9 MISDEMEANOR.

10 T. FOR THE PURPOSES OF THIS SECTION:

11 1. "CPS INFORMATION" INCLUDES ALL INFORMATION THE DEPARTMENT GATHERS  
12 DURING THE COURSE OF A CHILD PROTECTIVE SERVICES INVESTIGATION CONDUCTED  
13 UNDER THIS CHAPTER FROM THE TIME A FILE IS OPENED AND UNTIL IT IS  
14 CLOSED. CPS INFORMATION DOES NOT INCLUDE INFORMATION THAT IS CONTAINED IN  
15 CHILD WELFARE AGENCY LICENSING RECORDS.

16 2. "NEAR FATALITY" MEANS AN ACT THAT, AS CERTIFIED BY A PHYSICIAN,  
17 PLACES A CHILD IN SERIOUS OR CRITICAL CONDITION.

18 Sec. 19. Section 8-808, Arizona Revised Statutes, is amended to read:

19 8-808. Parent assistance program

20 A. A parent assistance program is established in the administrative  
21 office of the supreme court for the purpose of providing information to and  
22 assisting parents or guardians in understanding the process of removal of a  
23 child from the home. The administrative office of the supreme court shall  
24 establish parent assistance offices in counties having a population of four  
25 hundred thousand persons or more and shall provide twenty-four hour telephone  
26 hot line access statewide.

27 B. The administrative office of the supreme court shall hire and  
28 employ staff, subject to legislative appropriation, for purposes relating to  
29 the functions of the parent assistance program.

30 C. The parent assistance program shall provide the following  
31 information to parents or guardians:

32 1. The parents' or guardians' legal rights, including the right to  
33 attend court or foster care review board hearings, AND THE CHILD'S LEGAL  
34 RIGHTS.

35 2. The means for accessing personnel who can provide information on:

36 (a) The well-being of the child who is removed from the home.

37 (b) The community resources that are available.

38 3. The procedures for requesting an attorney or a temporary custody  
39 hearing and the consequences of failure to make the request.

40 D. The administrative office of the supreme court shall maintain  
41 current statistics on the utilization of and types of calls received by the  
42 parent assistance program. The administrative office of the supreme court  
43 shall make the information available to the public on request and on the  
44 administrative office of the supreme court's web site.

1 E. The administrative office of the supreme court shall coordinate  
2 efforts with the department of economic security to provide each parent or  
3 guardian with written notice of the services offered by the parent assistance  
4 program at the time initial contact is made with a family.

5 Sec. 20. Section 8-811, Arizona Revised Statutes, is amended to read:

6 8-811. Hearing process; definitions

7 A. The department shall notify a person who is alleged to have abused  
8 or neglected a child that the department intends to substantiate the  
9 allegation in the central registry pursuant to section 8-804 and of that  
10 person's right:

11 1. To receive a copy of the report containing the allegation.

12 2. To a hearing before the entry into the central registry pursuant  
13 to section 8-802, subsection ~~C~~ B, paragraph ~~7~~ 9, subdivision (a).

14 B. The department shall send the notice prescribed in subsection A of  
15 this section by first class mail no more than fourteen days after completion  
16 of the investigation.

17 C. A request for a hearing on the proposed finding must be received  
18 by the department within fourteen days after receipt of the notice.

19 D. The department shall not disclose any information related to the  
20 investigation of the allegation except as provided in sections 8-802, 8-807  
21 and 13-3620.

22 E. If a request for a hearing is made pursuant to subsection C of this  
23 section, the department shall conduct a review before the hearing. The  
24 department shall provide an opportunity for the accused person to provide  
25 written or verbal information to support the position that the department  
26 should not substantiate the allegation. If the department determines that  
27 there is no probable cause that the accused person engaged in the alleged  
28 conduct, the department shall amend the information or finding in the report  
29 and shall notify the person and a hearing shall not be held.

30 F. Notwithstanding section 41-1092.03, the notification prescribed in  
31 subsection A of this section shall also state that if the department does not  
32 amend the information or finding in the report as prescribed in subsection  
33 E of this section within sixty days after it receives the request for a  
34 hearing the person has a right to a hearing unless:

35 1. The person is a party in a civil, criminal or administrative  
36 proceeding in which the allegations of abuse or neglect are at issue.

37 2. A court or administrative law judge has made findings as to the  
38 alleged abuse or neglect.

39 G. If the department does not amend the information or finding in the  
40 report as prescribed in subsection E of this section, the department shall  
41 notify the office of administrative hearings of the request for a hearing no  
42 later than five days after completion of the review. The department shall  
43 forward all records, reports and other relevant information with the request  
44 for hearing within ten days. The department shall redact the identity of the

1 reporting source before transmitting the information to the office of  
2 administrative hearings.

3 H. The office of administrative hearings shall hold a hearing pursuant  
4 to title 41, chapter 6, article 10, with the following exceptions:

5 1. A child who is the victim of or a witness to abuse or neglect is  
6 not required to testify at the hearing.

7 2. A child's hearsay statement is admissible if the time, content and  
8 circumstances of that statement are sufficiently indicative of its  
9 reliability.

10 3. The identity of the reporting source of the abuse or neglect shall  
11 not be disclosed without the permission of the reporting source.

12 4. The reporting source is not required to testify.

13 5. A written statement from the reporting source may be admitted if  
14 the time, content and circumstances of that statement are sufficiently  
15 indicative of its reliability.

16 I. On completion of the presentation of evidence, the administrative  
17 law judge shall determine if probable cause exists to sustain the  
18 department's finding that the accused engaged in the alleged conduct. If the  
19 administrative law judge determines that probable cause does not exist to  
20 sustain the department's finding, the administrative law judge shall order  
21 the department to amend the information or finding in the report.

22 J. When the department is requested to verify pursuant to section  
23 8-807, if the child protective services central registry contains a  
24 substantiated report about a specific person, the department shall determine  
25 if the report was taken after January 1, 1998. If the report was taken after  
26 January 1, 1998, the department shall notify the requestor of the  
27 substantiated finding. If the child protective services report was taken  
28 before January 1, 1998, the department shall notify the person of the  
29 person's right to request an administrative hearing. The department shall  
30 not send this notification if the person was a party in a civil, criminal or  
31 administrative proceeding in which the allegations of abuse or neglect were  
32 at issue. The provisions of this section shall apply to the person's appeal.

33 K. The department shall provide the parent, guardian or custodian who  
34 is the subject of the investigation and the person who reported the suspected  
35 child abuse or neglect if that person is the child's parent, guardian or  
36 custodian with a copy of the outcome of the investigation at one of the  
37 following times:

38 1. If the report is unsubstantiated.

39 2. If probable cause exists that abuse or neglect has occurred but a  
40 specific person is not identified as having abused or neglected the child.

41 3. After the time to request a hearing has lapsed pursuant to  
42 subsection C of this section without the department receiving a request for  
43 a hearing.

44 4. After a final administrative decision has been made pursuant to  
45 section 41-1092.08.

1           L. For the purposes of this section:

2           1. "Amend the finding" means to change the finding from substantiated  
3 to unsubstantiated.

4           2. "Amend the information" means to change information identifying the  
5 accused of having abused or neglected a child.

6           Sec. 21. Section 8-816, Arizona Revised Statutes, is amended effective  
7 from and after June 30, 2004, to read:

8           8-816. Family builders program; services; program termination;  
9                         definitions

10          A. The family builders program is established in the department of  
11 economic security. The department shall implement the program through  
12 collaborative partnerships between child protective services, community  
13 social service agencies, family support programs and other community  
14 organizations, which may include faith-based organizations, to establish a  
15 triage system that, --

16          ~~1. Accepts, screens and assesses reports of abuse or neglect by using~~  
17 ~~protocols developed by the department to determine which reports require~~  
18 ~~investigation and intensive intervention by child protective services and~~  
19 ~~which reports require referral for response or services by another agency,~~  
20 ~~program or project. The department may investigate any report but shall~~  
21 ~~conduct an investigation if the child's situation is reported to be a high~~  
22 ~~or moderate risk, appears to require immediate out-of-home placement or is~~  
23 ~~related to allegations of sexual abuse by a parent, guardian or custodian.~~

24          ~~2. through referral to a network of contracted neighborhood-based~~  
25 ~~agencies, provides a variety of community-linked family preservation and~~  
26 ~~support services to assist families to prevent and remedy conditions or~~  
27 ~~circumstances that cause child abuse or neglect.~~

28          ~~3. Provides further investigation and intensive intervention by child~~  
29 ~~protective services of reports referred to another agency, program or project~~  
30 ~~if the child is in imminent danger of abuse or neglect or if the child is at~~  
31 ~~sufficient risk to require a child protective services investigation.~~

32          B. The department shall contract with neighborhood-based agencies and  
33 organizations to conduct family assessments, provide case management and  
34 provide the necessary services to protect the child and support the family  
35 on referral from the department.

36          C. During the initial contact with a family, the provider shall:

37          1. Verbally inform the prospective program participants that child  
38 protective services referred the family to the provider because AFTER  
39 INVESTIGATION of a report of abuse or neglect.

40          2. Verbally inform the prospective program participants that they do  
41 not have to accept services.

42          3. Obtain the written, informed consent of the prospective program  
43 participants who choose to accept the services offered. The consent form  
44 shall include a description of the services offered and the rights and



1 responsibilities of the program participants and a statement that emphasizes  
2 the voluntary nature of the program.

3 D. Contracts shall require that the provider establish a continuum of  
4 services for families through written agreements with community agencies and  
5 organizations to provide required services to families. The provider may  
6 purchase or obtain without cost the services of any agency or organization  
7 that may provide resources to assist the family.

8 E. Contracts shall require that the provider initiate a thorough  
9 family assessment and necessary services within forty-eight hours, excluding  
10 weekends and holidays, after the provider receives the referral from the  
11 department.

12 F. The department shall provide information to the provider concerning  
13 the current report and may provide any information from records it deems  
14 appropriate. All information received by the provider regarding the report  
15 of abuse or neglect and department records is subject to the confidentiality  
16 requirements of section 8-807. Information in the records of the provider  
17 concerning the families served by the program is available for the purposes  
18 of evaluating the program.

19 G. On receipt of a referral from child protective services, within  
20 forty-eight hours the provider shall attempt to contact the family in person,  
21 initiate a family assessment with the consent of the family and offer to  
22 assist the family to obtain the services that are necessary to reduce or  
23 eliminate the causes for the initial information being received by child  
24 protective services and other identified needs of the family.

25 H. If at any time during the initial contact or during the course of  
26 service delivery the provider determines that the child is in imminent danger  
27 of abuse or neglect, the provider shall immediately report the case to the  
28 department or the appropriate law enforcement agency, or both, for  
29 appropriate action. In all cases the provider and any agency under  
30 subcontract to the provider shall retain records of information on initial  
31 and ongoing contact with the family and the final disposition of the case and  
32 shall provide this information to the department.

33 I. A family who is offered services by the provider may refuse to  
34 accept those services. The provider shall document the family's refusal of  
35 services in the case record.

36 J. The provider shall conduct an assessment in the home and with the  
37 family's participation shall develop an initial plan within thirty days based  
38 on the family's needs. The provider shall assist the family in identifying  
39 and providing appropriate services. The provider shall monitor the progress  
40 made by the family based on the plan expectations and shall conduct home  
41 visits to determine the safety of the child and any other children in the  
42 home at the time of the visit.

43 K. The department shall require that the provider establish a local  
44 advisory board composed of appropriate community representatives, including  
45 representation from families in the community and local public agencies. The

1 local advisory board shall ensure that a continuum of services is provided  
2 for families and shall provide oversight to the program.

3 L. The department shall identify goals, objectives and outcomes for  
4 family builders programs.

5 M. If the department expands the program to new geographic areas, it  
6 shall hold at least one informational meeting to inform potential providers  
7 of the opportunity to bid on the contract. The department shall provide  
8 adequate public notice of each meeting to potential providers in the same  
9 manner as provided in section 41-2533.

10 ~~N. If a report is made pursuant to subsection A of this section, the~~  
11 ~~department may direct the report to the contract provider. The department~~  
12 ~~is then considered to have met the requirements of section 8-304, subsection~~  
13 ~~B and section 8-802, subsection C. The department shall develop performance~~  
14 ~~standards for the contracts, provide training to the provider or organization~~  
15 ~~staff involved in service delivery to these families regarding child abuse~~  
16 ~~and neglect and monitor the performance of the providers.~~

17 O. The program established by this section ends on July 1, 2010  
18 pursuant to section 41-3102.

19 P. For the purposes of this section:

20 1. "Department" means the department of economic security.

21 2. "Provider" means a community social services agency, family support  
22 program or community organization, including a faith-based organization, that  
23 is awarded a contract by the department.

24 3. "Services" includes:

25 (a) Family assessment.

26 (b) Case management.

27 (c) Child day care.

28 (d) Housing search and relocation.

29 (e) Parenting skills training.

30 (f) Supportive intervention and guidance counseling.

31 (g) Transportation.

32 (h) Emergency services.

33 (i) Intensive family preservation.

34 (j) Parent aide services.

35 (k) Respite services.

36 (l) Shelter services with parental consent.

37 (m) Additional services that the department determines are necessary  
38 to meet the needs of the families.

39 Sec. 22. Title 8, chapter 10, article 1, Arizona Revised Statutes, is  
40 amended by adding sections 8-817, 8-818 and 8-819, to read:

41 8-817. Initial screening and safety assessment and  
42 investigation protocols; investigations

43 A. THE DEPARTMENT SHALL DEVELOP INITIAL SCREENING AND SAFETY  
44 ASSESSMENT PROTOCOLS IN CONSULTATION WITH THE ATTORNEY GENERAL AND STATEWIDE  
45 WITH COUNTY ATTORNEYS, CHIEFS OF POLICE, SHERIFFS, MEDICAL EXPERTS, VICTIMS'

1 RIGHTS ADVOCATES, DOMESTIC VIOLENCE VICTIM ADVOCATES AND MANDATORY  
2 REPORTERS. ANY INITIAL SCREENING AND SAFETY ASSESSMENT TOOLS SHALL BE BASED  
3 ON SOUND METHODOLOGY AND SHALL ENSURE VALID AND RELIABLE RESPONSES. THE  
4 DEPARTMENT SHALL ESTABLISH WRITTEN POLICIES AND PROCEDURES TO IMPLEMENT THE  
5 USE OF THE INITIAL SCREENING AND SAFETY ASSESSMENT PROTOCOLS.

6 B. IN EACH COUNTY, THE COUNTY ATTORNEY, THE SHERIFF, THE CHIEF LAW  
7 ENFORCEMENT OFFICER FOR EACH MUNICIPALITY IN THE COUNTY AND THE DEPARTMENT  
8 SHALL DEVELOP AND IMPLEMENT PROTOCOLS FOR COOPERATION IN INVESTIGATIONS OF  
9 ALLEGATIONS INVOLVING EXTREMELY SERIOUS CONDUCT. THE PROTOCOLS SHALL  
10 INCLUDE:

11 1. THE PROCESS FOR NOTIFICATION OF RECEIPT OF EXTREMELY SERIOUS  
12 CONDUCT ALLEGATIONS.

13 2. THE STANDARDS FOR INTERDISCIPLINARY INVESTIGATIONS OF SPECIFIC  
14 TYPES OF ABUSE AND NEGLECT, INCLUDING TIMELY FORENSIC MEDICAL EVALUATIONS.

15 3. THE STANDARDS FOR INTERDISCIPLINARY INVESTIGATIONS INVOLVING NATIVE  
16 AMERICAN CHILDREN IN COMPLIANCE WITH THE INDIAN CHILD WELFARE ACT.

17 4. PROCEDURES FOR SHARING INFORMATION.

18 5. PROCEDURES FOR COORDINATION OF SCREENING, RESPONSE AND  
19 INVESTIGATION WITH OTHER INVOLVED PROFESSIONAL DISCIPLINES AND NOTIFICATION  
20 OF CASE STATUS.

21 6. THE TRAINING REQUIRED FOR THE INVOLVED CHILD PROTECTIVE SERVICE  
22 WORKERS, LAW ENFORCEMENT OFFICERS AND PROSECUTORS TO EXECUTE THE  
23 INVESTIGATION PROTOCOLS, INCLUDING FORENSIC INTERVIEWING SKILLS.

24 7. THE PROCESS TO ENSURE REVIEW OF AND COMPLIANCE WITH THE  
25 INVESTIGATION PROTOCOLS AND THE REPORTING OF ACTIVITY UNDER THE PROTOCOLS.

26 8. PROCEDURES FOR AN ANNUAL REPORT TO BE TRANSMITTED WITHIN FORTY-FIVE  
27 DAYS AFTER THE END OF EACH FISCAL YEAR TO THE GOVERNOR, THE SPEAKER OF THE  
28 HOUSE OF REPRESENTATIVES AND THE PRESIDENT OF THE SENATE.

29 9. PROCEDURES FOR DISPUTE RESOLUTION.

30 C. THE DEPARTMENT, THE APPROPRIATE COUNTY ATTORNEY AND THE APPROPRIATE  
31 LAW ENFORCEMENT AGENCY SHALL COOPERATE IN THE INVESTIGATION OF EVERY  
32 EXTREMELY SERIOUS CONDUCT ALLEGATION IN ACCORDANCE WITH THE INVESTIGATION  
33 PROTOCOLS ESTABLISHED PURSUANT TO THIS SECTION.

34 8-818. Child protective services; financial and program  
35 accountability

36 A. THE DEPARTMENT, THE OFFICE OF STRATEGIC PLANNING AND BUDGETING AND  
37 THE JOINT LEGISLATIVE BUDGET COMMITTEE SHALL DEVELOP A FINANCIAL AND PROGRAM  
38 ACCOUNTABILITY REPORTING SYSTEM FOR CHILD PROTECTIVE SERVICES.

39 B. THE ACCOUNTABILITY REPORTING SYSTEM SHALL INCLUDE THE FOLLOWING  
40 ACCOUNTABILITY FACTORS:

41 1. SUCCESS IN MEETING TRAINING REQUIREMENTS.

42 2. CASELOADS FOR CHILD PROTECTIVE SERVICES WORKERS.

43 3. THE NUMBER OF NEW CASES, CASES THAT REMAIN OPEN AND CASES THAT HAVE  
44 BEEN CLOSED.

1           4. THE RATIO OF CHILD PROTECTIVE SERVICES WORKERS TO IMMEDIATE  
2 SUPERVISORS.

3           5. EMPLOYEE TURNOVER, INCLUDING A BREAKDOWN OF EMPLOYEES WHO REMAIN  
4 WITH THE DEPARTMENT AND EMPLOYEES WHO LEAVE THE DEPARTMENT.

5           6. THE SOURCE AND USE OF FEDERAL MONIES IN CHILD PROTECTIVE SERVICES.

6           7. THE SOURCE AND USE OF STATE MONIES IN CHILD PROTECTIVE SERVICES.

7           8. ANY ADDITIONAL FACTOR DEEMED NECESSARY BY THE DEPARTMENT, OFFICE  
8 AND COMMITTEE.

9           C. THE DEPARTMENT SHALL ISSUE A FINANCIAL AND PROGRAM ACCOUNTABILITY  
10 REPORT TO THE GOVERNOR AND THE CHAIRPERSONS OF THE HOUSE OF REPRESENTATIVES  
11 APPROPRIATIONS AND HUMAN SERVICES COMMITTEES AND THE SENATE APPROPRIATIONS  
12 AND FAMILY SERVICES COMMITTEES, OR THEIR SUCCESSOR COMMITTEES, ON OR BEFORE  
13 FEBRUARY 1 AND AUGUST 1 OF EACH YEAR.

14           D. THE DEPARTMENT SHALL ISSUE THE FIRST FINANCIAL AND PROGRAM  
15 ACCOUNTABILITY REPORT ON OR BEFORE AUGUST 1, 2004. IN DEVELOPING THE  
16 FINANCIAL AND PROGRAM ACCOUNTABILITY REPORTING SYSTEM, THE DEPARTMENT, THE  
17 OFFICE OF STRATEGIC PLANNING AND BUDGETING AND THE JOINT LEGISLATIVE BUDGET  
18 COMMITTEE SHALL REVIEW THE CURRENT REPORTING REQUIREMENTS OF THE DEPARTMENT  
19 TO ELIMINATE DUPLICATION OF REPORTING REQUIREMENTS AND TO COORDINATE  
20 REPORTING REQUIREMENTS. THE DEPARTMENT, THE OFFICE OF STRATEGIC PLANNING AND  
21 BUDGETING AND THE JOINT LEGISLATIVE BUDGET COMMITTEE SHALL ALSO REVIEW THE  
22 CURRENT INFORMATION PROCESSING CAPABILITIES TO REPORT TIMELY AND ACCURATE  
23 INFORMATION. ON OR BEFORE JULY 1, 2004, THE DEPARTMENT SHALL REPORT TO THE  
24 GOVERNOR AND THE CHAIRPERSONS OF THE HOUSE OF REPRESENTATIVES APPROPRIATIONS  
25 AND HUMAN SERVICES COMMITTEES AND THE SENATE APPROPRIATIONS AND FAMILY  
26 SERVICES COMMITTEES THE MEASURES TO BE USED TO REPORT THE ACCOUNTABILITY  
27 FACTORS, INCLUDING A DEFINITION OF AND THE METHODS FOR DETERMINING THESE  
28 MEASURES.

29           8-819. Determination of neglect

30           IN DETERMINING IF A CHILD IS NEGLECTED, CONSIDERATION SHALL BE GIVEN  
31 TO:

32           1. THE DRUG OR ALCOHOL ABUSE OF THE CHILD'S PARENT, GUARDIAN OR  
33 CUSTODIAN.

34           2. THE USE BY THE MOTHER OF A DANGEROUS DRUG, A NARCOTIC DRUG OR  
35 ALCOHOL DURING PREGNANCY IF THE CHILD, AT BIRTH OR WITHIN A YEAR AFTER BIRTH,  
36 IS DEMONSTRABLY ADVERSELY AFFECTED BY THIS USE. FOR THE PURPOSES OF THIS  
37 PARAGRAPH, "DANGEROUS DRUG" AND "NARCOTIC DRUG" HAVE THE SAME MEANING  
38 PRESCRIBED IN SECTION 13-3401.

39           Sec. 23. Section 8-821, Arizona Revised Statutes, is amended to read:

40           8-821. Taking into temporary custody; medical examination;  
41 placement; interference; classification

42           A. A child shall be taken into temporary custody in proceedings to  
43 declare a child a temporary ward of the court to protect the child, pursuant  
44 to an order of the juvenile court on a petition by an interested person, a  
45 peace officer or a child protective services worker under oath that

1 reasonable grounds exist to believe that temporary custody is clearly  
2 necessary to protect the child from suffering abuse or neglect. IF A CHILD  
3 IS TAKEN INTO TEMPORARY CUSTODY PURSUANT TO THIS SECTION, THE CHILD'S SIBLING  
4 SHALL ALSO BE TAKEN INTO TEMPORARY CUSTODY ONLY IF REASONABLE GROUNDS  
5 INDEPENDENTLY EXIST TO BELIEVE THAT TEMPORARY CUSTODY IS CLEARLY NECESSARY  
6 TO PROTECT THE CHILD FROM SUFFERING ABUSE OR NEGLECT.

7 B. A child may be taken into temporary custody by a peace officer or  
8 a child protective services worker if temporary custody is clearly necessary  
9 to protect the child because PROBABLE CAUSE EXISTS TO BELIEVE THAT the child  
10 is either:

11 1. Suffering A VICTIM or will imminently suffer BECOME A VICTIM OF  
12 abuse or neglect.

13 2. Suffering serious physical or emotional damage INJURY that can only  
14 be diagnosed by a medical doctor or psychologist.

15 3. PHYSICALLY INJURED AS A RESULT OF LIVING ON PREMISES WHERE  
16 DANGEROUS DRUGS OR NARCOTIC DRUGS ARE BEING MANUFACTURED. FOR THE PURPOSES  
17 OF THIS PARAGRAPH, "DANGEROUS DRUGS" AND "NARCOTIC DRUGS" HAVE THE SAME  
18 MEANING PRESCRIBED IN SECTION 13-3401.

19 C. In determining if a child should be taken into temporary custody,  
20 the interested person, peace officer or child protective services worker may  
21 take into consideration as a mitigating factor the participation of the  
22 parent or guardian in the healthy families program established by section  
23 8-701.

24 D. In determining if a child should be taken into temporary custody,  
25 the interested person, peace officer or child protective services worker  
26 shall take into consideration:

27 1. As a paramount concern the child's health and safety and shall  
28 consider as a mitigating factor the availability of reasonable services to  
29 the parent or guardian to prevent or eliminate the need for removal of the  
30 child and the effort of the parent or guardian to obtain and participate in  
31 these services.

32 2. WHETHER THE PARENT IS WILLING TO PARTICIPATE IN SERVICES PROVIDED  
33 PURSUANT TO SECTION 8-830.

34 E. A person who takes a child into custody pursuant to subsection B,  
35 paragraph 2 of this section shall immediately have the child examined by a  
36 medical doctor or psychologist. After the examination the person shall  
37 release the child to the custody of the parent or guardian of the child  
38 unless the examination reveals abuse or neglect. Temporary custody of a  
39 child taken into custody pursuant to subsection B, paragraph 2 of this  
40 section shall not exceed twelve hours.

41 F. A child WHO IS taken into temporary custody pursuant to this  
42 article shall not be detained in a police station, jail or lockup where  
43 adults charged with or convicted of a crime are detained.

1 G. A child shall not remain in temporary custody for more than  
2 seventy-two hours excluding Saturdays, Sundays and holidays unless a  
3 dependency petition is filed.

4 H. A person who knowingly interferes with the taking of a child into  
5 temporary custody under this section is guilty of a class 2 misdemeanor.

6 Sec. 24. Section 8-822, Arizona Revised Statutes, is amended to read:

7 8-822. Removal of child from home; review; review teams

8 The department of ~~economic security~~ shall adopt rules and establish  
9 clear policies and procedures, where appropriate, to:

10 1. Determine the circumstances under which it is appropriate to remove  
11 a child from the custody of the child's parents, guardian or custodian.

12 2. Ensure the immediate notification ~~and timely interview~~ of the  
13 child's parents, guardian or custodian regarding the removal of the child  
14 from home, school or child care AND THE TIMELY INTERVIEW OF THE CHILD AND THE  
15 CHILD'S PARENT, GUARDIAN OR CUSTODIAN.

16 3. Review each removal of a child which THAT is expected to result in  
17 a dependency petition to assess options other than continued out-of-home  
18 placement including in-home services to the family. Such reviews shall be  
19 conducted before the dependency petition is filed. The review team shall  
20 consist of a protective services worker, a worker's supervisor and ~~a member~~  
21 TWO MEMBERS of the local foster care review board. If the child has a medical  
22 need or a chronic illness, the review team shall include the child's  
23 physician. If all reasonable efforts to reach the child's physician have  
24 been made and the physician is not available, the team shall include a  
25 physician who is licensed pursuant to title 32, chapter 13 or 17 and who is  
26 familiar with children's health care. A CHILD SHALL NOT BE REMOVED UNLESS  
27 A MAJORITY OF THE MEMBERS OF THE REVIEW TEAM AGREE THAT REMOVAL IS  
28 NECESSARY. IF A MAJORITY OF THE MEMBERS OF THE REVIEW TEAM DO NOT AGREE THAT  
29 REMOVAL IS NECESSARY, THE CHILD SHALL NOT BE REMOVED OR, IF THE CHILD HAS  
30 ALREADY BEEN REMOVED, THE CHILD SHALL BE RETURNED TO THE HOME.

31 Sec. 25. Section 8-823, Arizona Revised Statutes, is amended to read:

32 8-823. Notice of taking into temporary custody

33 A. If a child is taken into temporary custody pursuant to this  
34 article, the interested person, peace officer or child protective services  
35 worker taking the child into custody shall provide written notice within six  
36 hours to the parent or guardian of the child, unless:

37 1. The parent or guardian is present when the child is taken into  
38 custody, then written AND VERBAL notice shall be provided immediately.

39 2. The residence of the parent or guardian is outside this state and  
40 notice cannot be provided within six hours, then written notice shall be  
41 provided within twenty-four hours.

42 3. The residence of the parent or guardian is not ascertainable, then  
43 reasonable efforts shall be made to locate and notify the parent or guardian  
44 of the child as soon as possible.

1           B. The written notice shall contain a signature line for the parent  
2 or guardian to acknowledge receipt of the notice and BOTH WRITTEN AND VERBAL  
3 NOTICES. THE WRITTEN AND VERBAL NOTICES SHALL CONTAIN the name of the person  
4 and agency taking the child into custody, the location from which the child  
5 was taken and all of the following information:

6           1. Specific reasons as to why the child is being removed. The notice  
7 shall list the specific factors that caused the determination of imminent  
8 danger.

9           2. Services that are available to the parent or guardian, including  
10 a statement of parental rights and information on how to contact the  
11 ombudsman-citizen's aide office and an explanation of the services that  
12 office offers.

13           3. The date and time of the taking into custody.

14           4. The name and telephone number of the agency responsible for the  
15 child.

16           5. A statement of the reasons for temporary custody of the child.

17           6. A statement that the child must be returned within seventy-two  
18 hours excluding Saturdays, Sundays and holidays unless a dependency petition  
19 is filed and a statement that a child in temporary custody for examination  
20 pursuant to section 8-821, subsection B, paragraph 2 must be returned within  
21 twelve hours unless abuse or neglect is diagnosed.

22           7. One of the following:

23           (a) If a dependency petition has not been filed or if the information  
24 prescribed in subdivision (b) is not available, a statement that if a  
25 dependency petition is filed, the parent or guardian will be provided a  
26 written notice no later than twenty-four hours after the petition is filed  
27 that contains the information prescribed in subdivision (b).

28           (b) In all other cases, the date, time and place of the preliminary  
29 protective hearing to be held pursuant to section 8-824 and the requirements  
30 of subsection D of this section.

31           8. A statement of the right of the parent or guardian to counsel and  
32 that counsel will be appointed pursuant to section 8-221 through the juvenile  
33 court if a dependency petition is filed and the person is indigent.

34           9. Information regarding the ability of the person about whom the  
35 report was made to provide a verbal, TELEPHONIC or written response to the  
36 allegations. A verbal response shall be included in the written report of the  
37 investigation. A written response, including any documentation, shall be  
38 included in the case file. THE RESPONSE SHALL BE PROVIDED TO THE REMOVAL  
39 REVIEW TEAM IF THE RESPONSE IS MADE BEFORE THE TEAM CONSIDERS THE REMOVAL.

40           10. A statement that the hearing may result in further proceedings to  
41 terminate parental rights.

42           C. The protective services worker shall provide the parent or guardian  
43 with the notice even if the parent or guardian refuses to sign the  
44 acknowledgment.

1 D. Immediately before the time of the preliminary protective hearing,  
2 the persons described in section 8-824, subsection B shall meet and attempt  
3 to reach an agreement about placement of the child, services to be provided  
4 to the child, parent or guardian and visitation of the child. The parties  
5 shall meet with their counsel, if any, before this meeting. Consideration  
6 shall be given to the availability of reasonable services to the parent or  
7 guardian and the child's health and safety shall be a paramount concern. The  
8 persons described in section 8-824, subsection C may attend the meeting to  
9 reach an agreement.

10 E. If a dependency petition is filed by the department, the child  
11 protective services worker is responsible for delivering the notice of the  
12 preliminary protective hearing prescribed in subsection B, paragraph 7 of  
13 this section to the parent or guardian. In all other cases, the person who  
14 files the dependency petition is responsible for delivery of this notice to  
15 the parent or guardian. If the location of the parent or guardian is  
16 unknown, the person who is responsible for serving this notice shall make  
17 reasonable efforts to locate and notify the parent or guardian.

18 Sec. 26. Section 8-829, Arizona Revised Statutes, is amended to read:

19 8-829. Judicial determinations; timing; documentation

20 A. If a child has been removed from the child's home, the court shall  
21 make PROTECTING THE CHILD FROM ABUSE OR NEGLECT THE FIRST PRIORITY AND SHALL  
22 MAKE the following determinations within the following time periods:

23 1. IN THE COURT'S FIRST ORDER THAT SANCTIONS THE REMOVAL, whether  
24 continuation of the child's residence in the home would be contrary to the  
25 welfare of the child shall be made in the court's first order that sanctions  
26 the removal. This order may be the temporary order that the court issues on  
27 the filing of a dependency petition.

28 2. WITHIN SIXTY DAYS AFTER THE CHILD IS REMOVED FROM THE CHILD'S HOME,  
29 whether reasonable efforts have been made to prevent removal of the child or  
30 WHETHER it was reasonable to make no efforts to prevent removal of the child  
31 shall be made within sixty days after the child is removed from the child's  
32 home.

33 3. WITHIN TWELVE MONTHS AFTER THE CHILD IS REMOVED FROM THE CHILD'S  
34 HOME AND ONCE EVERY TWELVE MONTHS THEREAFTER, whether reasonable efforts have  
35 been made to finalize the existing permanency plan shall be made within  
36 twelve months after the child is removed from the child's home and once every  
37 twelve months after that determination.

38 B. The court shall make each determination described in subsection A  
39 on a case-by-case basis and shall set forth in its written order the specific  
40 factual basis for each determination. In making its determination, the court  
41 shall consider documentation THAT IS reasonably available at the time of the  
42 determination.

43 Sec. 27. Title 8, chapter 10, article 2, Arizona Revised Statutes, is  
44 amended by adding section 8-830, to read:



1           8-830. Residential drug treatment center; services; program  
2                   termination; definitions

3           A. THE DEPARTMENT SHALL CONTRACT WITH A PROVIDER TO CONDUCT FAMILY  
4 ASSESSMENTS, PROVIDE CASE MANAGEMENT AND PROVIDE THE NECESSARY SERVICES,  
5 INCLUDING RESIDENTIAL DRUG TREATMENT SERVICES, TO PROTECT THE CHILD AND  
6 SUPPORT THE FAMILY ON REFERRAL FROM THE DEPARTMENT PURSUANT TO SECTION 8-821.

7           B. THE CONTRACT SHALL REQUIRE THAT THE PROVIDER ESTABLISH A CONTINUUM  
8 OF SERVICES FOR FAMILIES THROUGH WRITTEN AGREEMENTS WITH COMMUNITY AGENCIES  
9 AND ORGANIZATIONS TO PROVIDE REQUIRED SERVICES TO FAMILIES. THE PROVIDER MAY  
10 PURCHASE OR OBTAIN WITHOUT COST THE SERVICES OF ANY AGENCY OR ORGANIZATION  
11 THAT MAY PROVIDE RESOURCES TO ASSIST THE FAMILY.

12           C. THE CONTRACT SHALL REQUIRE THAT THE PROVIDER INITIATE A THOROUGH  
13 FAMILY ASSESSMENT AND NECESSARY SERVICES AS SOON AS PRACTICABLE AFTER THE  
14 PROVIDER RECEIVES THE REFERRAL FROM THE DEPARTMENT.

15           D. THE DEPARTMENT SHALL PROVIDE INFORMATION TO THE PROVIDER CONCERNING  
16 THE CURRENT REPORT AND MAY PROVIDE ANY INFORMATION FROM RECORDS IT DEEMS  
17 APPROPRIATE. ALL INFORMATION RECEIVED BY THE PROVIDER REGARDING THE REPORT  
18 OF ABUSE OR NEGLECT AND DEPARTMENT RECORDS IS SUBJECT TO THE CONFIDENTIALITY  
19 REQUIREMENTS OF SECTION 8-807. INFORMATION IN THE RECORDS OF THE PROVIDER  
20 CONCERNING THE FAMILIES SERVED BY THE PROGRAM IS AVAILABLE FOR THE PURPOSES  
21 OF EVALUATING THE PROGRAM.

22           E. IF AT ANY TIME DURING THE COURSE OF SERVICE DELIVERY THE PROVIDER  
23 DETERMINES THAT THE CHILD IS IN IMMINENT DANGER OF ABUSE OR NEGLECT, THE  
24 PROVIDER SHALL IMMEDIATELY REPORT THE CASE TO THE DEPARTMENT OR THE  
25 APPROPRIATE LAW ENFORCEMENT AGENCY, OR BOTH, FOR APPROPRIATE ACTION. IN ALL  
26 CASES THE PROVIDER AND ANY AGENCY UNDER SUBCONTRACT TO THE PROVIDER SHALL  
27 RETAIN RECORDS OF INFORMATION ON INITIAL AND ONGOING CONTACT WITH THE FAMILY  
28 AND THE FINAL DISPOSITION OF THE CASE AND SHALL PROVIDE THIS INFORMATION TO  
29 THE DEPARTMENT.

30           F. THE DEPARTMENT SHALL REQUIRE THAT THE PROVIDER ESTABLISH A LOCAL  
31 ADVISORY BOARD COMPOSED OF APPROPRIATE COMMUNITY REPRESENTATIVES, INCLUDING  
32 REPRESENTATION FROM FAMILIES IN THE COMMUNITY AND LOCAL PUBLIC AGENCIES. THE  
33 LOCAL ADVISORY BOARD SHALL ENSURE THAT A CONTINUUM OF SERVICES IS PROVIDED  
34 FOR FAMILIES AND SHALL PROVIDE OVERSIGHT TO THE PROGRAM.

35           G. THE DEPARTMENT SHALL DEVELOP PERFORMANCE STANDARDS FOR THE  
36 CONTRACTS, PROVIDE TRAINING TO THE PROVIDER OR ORGANIZATION STAFF INVOLVED  
37 IN SERVICE DELIVERY TO THESE FAMILIES REGARDING CHILD ABUSE AND NEGLECT AND  
38 MONITOR THE PERFORMANCE OF THE PROVIDERS.

39           H. THE CONTRACT ENTERED INTO PURSUANT TO THIS SECTION SHALL BE FOR A  
40 TERM OF TEN YEARS. THE PROGRAM ESTABLISHED BY THIS SECTION ENDS ON JULY 1,  
41 2014 PURSUANT TO SECTION 41-3102.

42           I. FOR THE PURPOSES OF THIS SECTION:

43           1. "DEPARTMENT" MEANS THE DEPARTMENT OF ECONOMIC SECURITY.

44           2. "PROVIDER" MEANS A COMMUNITY OR FAITH-BASED PROVIDER THAT IS  
45 AWARDED A CONTRACT BY THE DEPARTMENT.

1           3. "SERVICES" INCLUDES:

2           (a) FAMILY ASSESSMENT.

3           (b) CASE MANAGEMENT.

4           (c) CHILD DAY CARE.

5           (d) HOUSING SEARCH AND RELOCATION.

6           (e) PARENTING SKILLS TRAINING.

7           (f) SUPPORTIVE INTERVENTION AND GUIDANCE COUNSELING.

8           (g) TRANSPORTATION.

9           (h) EMERGENCY SERVICES.

10          (i) INTENSIVE FAMILY PRESERVATION.

11          (j) PARENT AIDE SERVICES.

12          (k) RESIDENTIAL DRUG TREATMENT SERVICES.

13          (l) ADDITIONAL SERVICES THAT THE DEPARTMENT DETERMINES ARE NECESSARY  
14 TO MEET THE NEEDS OF THE FAMILIES.

15          Sec. 28. Section 8-842, Arizona Revised Statutes, is amended to read:

16          8-842. Initial dependency and dependency adjudication hearings;  
17 deadlines

18          A. Except as provided in section 8-826, the court shall set the  
19 initial dependency hearing within twenty-one days after the petition is  
20 filed. If service by publication is required, the court may set an initial  
21 dependency hearing within a time period to allow for publication pursuant to  
22 the rules of procedure for the juvenile court.

23          B. The court may continue the initial dependency hearing for good  
24 cause, but, UNLESS THE COURT HAS ORDERED IN-HOME INTERVENTION, the dependency  
25 adjudication hearing shall be completed within ninety days after service of  
26 the dependency petition. The time limit for completing the dependency  
27 adjudication hearing may be extended for up to thirty days if the court finds  
28 good cause or in extraordinary cases as prescribed by the supreme court by  
29 rule.

30          Sec. 29. Section 8-843, Arizona Revised Statutes, is amended to read:

31          8-843. Initial dependency hearing; rights

32          A. AT ANY DEPENDENCY HEARING, THE COURT'S PRIMARY CONSIDERATION SHALL  
33 BE THE PROTECTION OF A CHILD FROM ABUSE OR NEGLECT.

34          ~~A.~~ B. At the initial dependency hearing, the court shall ensure that  
35 the parent or guardian has been advised of the following rights:

36           1. The right to counsel, including appointed counsel if the parent or  
37 guardian is indigent.

38           2. The right to trial by the court on the allegations in the petition.

39           3. The right to cross-examine all witnesses that are called to testify  
40 against the parent or guardian.

41           4. The right to use the process of the court to compel the attendance  
42 of witnesses.

43          ~~B.~~ C. If the parent or guardian admits or does not contest the  
44 allegations in the petition, the court shall determine that the parent or  
45 guardian understands the rights described in subsection A of this section and

1 that the parent or guardian knowingly, intelligently and voluntarily waives  
2 these rights.

3 ~~C.~~ D. If the parent or guardian denies the allegations in the  
4 petition, the court shall set the settlement conference, pretrial conference  
5 or mediation prescribed in section 8-844.

6 ~~D.~~ E. The court shall also determine if reasonable efforts were made  
7 to prevent or eliminate the need for removal of a child from the child's home  
8 and if services are available that would eliminate the need for continued  
9 removal. If the child is:

10 1. In the custody of the department, the court shall order the  
11 department to make reasonable efforts to provide services to the child and  
12 parent to facilitate the reunification of the family, except as provided in  
13 section 8-846.

14 2. Not in the custody of the department and the department is not a  
15 party, the court may direct the parties to participate in reasonable services  
16 that will facilitate reunification of the family or another permanent plan  
17 for the child. The court shall not require the department to provide  
18 services pursuant to this paragraph.

19 F. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, THE COURT MAY  
20 STAY THE PROCEEDINGS AND ORDER IN-HOME INTERVENTION AS PROVIDED IN ARTICLE  
21 7 OF THIS CHAPTER.

22 Sec. 30. Section 8-846, Arizona Revised Statutes, is amended to read:  
23 8-846. Services provided to the child and family

24 A. Except as provided in subsection B of this section, if the child  
25 has been removed from the home, the court shall order the department to make  
26 reasonable efforts to provide services to the child and the child's parent  
27 ~~to facilitate reunification of the family.~~

28 B. THE COURT SHALL CONSIDER THE FOLLOWING FACTORS AND reunification  
29 services are not required to be provided if the court finds by clear and  
30 convincing evidence that:

31 1. One or more of the following aggravating circumstances exist:

32 (a) A party to the action provides a verified affidavit that states  
33 that a reasonably diligent search has failed to identify and locate the  
34 parent within three months after the filing of the dependency petition or the  
35 parent has expressed no interest in reunification with the child for at least  
36 three months after the filing of the dependency petition.

37 (b) The parent or guardian is suffering from a mental illness or  
38 mental deficiency of such magnitude that it renders the parent or guardian  
39 incapable of benefitting from the reunification services. This finding shall  
40 be based on competent evidence from a psychologist or physician that  
41 establishes that, even with the provision of reunification services, the  
42 parent or guardian is unlikely to be capable of adequately caring for the  
43 child within twelve months after the date of the child's removal from the  
44 home.

1 (c) The child previously has been removed and adjudicated dependent  
2 due to physical or sexual abuse. After the adjudication the child was  
3 returned to the custody of the parent or guardian and then subsequently  
4 removed within eighteen months due to additional physical or sexual abuse.

5 (d) A child ~~has suffered~~ IS THE VICTIM OF serious physical or  
6 emotional injury ~~as defined in section 8-531~~ by the parent or guardian or by  
7 any person known by the parent or guardian, if the parent or guardian knew  
8 or reasonably should have known that the person was abusing the child.

9 (e) The parent's rights to another child have been terminated, the  
10 parent has not successfully addressed the issues that led to the termination  
11 and the parent is unable to discharge parental responsibilities.

12 (f) After a finding that a child is dependent, all of the following  
13 are true:

14 (i) A child has been removed from the parent or guardian on at least  
15 two previous occasions.

16 (ii) Reunification services were offered or provided to the parent or  
17 guardian after the removal.

18 (iii) The parent or guardian is unable to discharge parental  
19 responsibilities.

20 2. The parent or guardian of a child has been convicted of murder or  
21 manslaughter of a child, or of sexual abuse, sexual assault of a child,  
22 sexual conduct with a minor, molestation of a child, commercial sexual  
23 exploitation of a minor, sexual exploitation of a minor, or luring a minor  
24 for sexual exploitation.

25 3. The parent or guardian of a child has been convicted of aiding or  
26 abetting or attempting, conspiring or soliciting to commit any of the crimes  
27 listed in ~~subsection 8~~, paragraph 2 of this section SUBSECTION.

28 Sec. 31. Section 8-847, Arizona Revised Statutes, is amended to read:  
29 8-847. Periodic review hearings

30 A. After the disposition hearing, the court shall hold periodic review  
31 hearings at least once every six months as required by federal law.

32 B. At a proceeding to review the disposition orders of the court, the  
33 court shall provide the following persons notice of the review and the right  
34 to participate in the proceeding:

35 1. The authorized agency charged with the child's care and custody.

36 2. Any foster parents in whose home the child resided within the last  
37 six months or resides at present, except for those foster parents who  
38 maintain a receiving foster home WHERE THE CHILD HAS RESIDED FOR THIRTY DAYS  
39 OR LESS. The petitioner shall provide the court with the names and addresses  
40 of all foster parents who are entitled to notice pursuant to statute.

41 3. A SHELTER CARE FACILITY OR RECEIVING FOSTER HOME WHERE THE CHILD  
42 RESIDES OR HAS RESIDED WITHIN THE LAST SIX MONTHS FOR MORE THAN THIRTY DAYS.  
43 THE PETITIONER SHALL PROVIDE THE COURT WITH THE NAMES AND ADDRESSES OF ALL  
44 SHELTER CARE FACILITIES AND RECEIVING FOSTER HOMES THAT ARE ENTITLED TO  
45 NOTICE PURSUANT TO THIS PARAGRAPH.

1       ~~3-~~ 4. The child's parent or guardian unless the parental rights of  
2 that parent or guardian have been terminated by court action or unless the  
3 parent has relinquished rights to the child to an agency or has consented to  
4 the adoption of the child as provided in section 8-107.

5       ~~4-~~ 5. The child, if twelve years of age or older.

6       ~~5-~~ 6. The child's relative, as defined in section 8-501, if that  
7 relative files a written notice of right of participation with the court.

8       ~~6-~~ 7. A person permitted by the court to intervene as a party in the  
9 dependency proceeding.

10       ~~7-~~ 8. A physical custodian of the child within the preceding six  
11 months.

12       ~~8-~~ 9. Any person who has filed a petition to adopt or who has  
13 physical custody pursuant to a court order in a foster-adoptive placement.

14       ~~9-~~ 10. Any other person as the court may direct.

15       C. At any periodic review hearing, the court shall consider the health  
16 and safety of the child as a paramount concern.

17       Sec. 32. Section 8-863, Arizona Revised Statutes, is amended to read:

18       8-863. Hearing to terminate parental rights; notice; grounds

19       A. At least ten days before the initial hearing on the termination of  
20 parental rights pursuant to this article, the party who is responsible for  
21 filing a motion pursuant to section 8-862, subsection D shall serve the  
22 motion on all parties as prescribed in rule 5(c) of the Arizona rules of  
23 civil procedure, including any person who has filed a petition to adopt or  
24 who has physical custody pursuant to a court order in a foster-adoptive  
25 placement.

26       B. The court OR JURY may terminate the parental rights of a parent if  
27 the court OR JURY finds by clear and convincing evidence one or more of the  
28 grounds prescribed in section 8-533.

29       C. If a parent does not appear at the hearing, the court, after  
30 determining that the parent has been served as provided in subsection A of  
31 this section, may find that the parent has waived the parent's legal rights  
32 and is deemed to have admitted the allegations of the petition by the failure  
33 to appear. The court may terminate the parent-child relationship as to a  
34 parent who does not appear based on the record and evidence presented as  
35 provided in rules prescribed by the supreme court.

36       D. Sections 8-538 and 8-539 apply to orders of termination issued  
37 pursuant to this section.

38       Sec. 33. Section 8-863, Arizona Revised Statutes, as amended by this  
39 act, is amended effective from and after December 31, 2006, to read:

40       8-863. Hearing to terminate parental rights; notice; grounds

41       A. At least ten days before the initial hearing on the termination of  
42 parental rights pursuant to this article, the party who is responsible for  
43 filing a motion pursuant to section 8-862, subsection D shall serve the  
44 motion on all parties as prescribed in rule 5(c) of the Arizona rules of  
45 civil procedure, including any person who has filed a petition to adopt or

1 who has physical custody pursuant to a court order in a foster-adoptive  
2 placement.

3 B. The court ~~or jury~~ may terminate the parental rights of a parent if  
4 the court ~~or jury~~ finds by clear and convincing evidence one or more of the  
5 grounds prescribed in section 8-533.

6 C. If a parent does not appear at the hearing, the court, after  
7 determining that the parent has been served as provided in subsection A of  
8 this section, may find that the parent has waived the parent's legal rights  
9 and is deemed to have admitted the allegations of the petition by the failure  
10 to appear. The court may terminate the parent-child relationship as to a  
11 parent who does not appear based on the record and evidence presented as  
12 provided in rules prescribed by the supreme court.

13 D. Sections 8-538 and 8-539 apply to orders of termination issued  
14 pursuant to this section.

15 Sec. 34. Title 8, chapter 10, Arizona Revised Statutes, is amended by  
16 adding article 7, to read:

17 ARTICLE 7. IN-HOME INTERVENTION

18 8-891. In-home intervention

19 A. AFTER THE FILING OF A DEPENDENCY PETITION, THE COURT MAY ORDER  
20 IN-HOME INTERVENTION IF ALL OF THE FOLLOWING ARE TRUE:

21 1. THE CHILD HAS NOT BEEN REMOVED PURSUANT TO ARTICLE 2 OF THIS  
22 CHAPTER.

23 2. IN-HOME INTERVENTION APPEARS LIKELY TO RESOLVE THE RISK ISSUES  
24 DESCRIBED IN PARAGRAPH 4.

25 3. THE PARENT, GUARDIAN OR CUSTODIAN AGREES TO A CASE PLAN AND  
26 PARTICIPATION IN SERVICES.

27 4. ONE OF THE FOLLOWING CONDITIONS EXIST:

28 (a) THE CHILD IS AT RISK OF HARM DUE TO THE INABILITY OR UNWILLINGNESS  
29 OF THE PARENT, GUARDIAN OR CUSTODIAN TO PROVIDE FOOD, CLOTHING, SHELTER OR  
30 MEDICAL CARE.

31 (b) THE PARENT, GUARDIAN OR CUSTODIAN IS UNABLE TO PROVIDE PROPER  
32 CARE, CONTROL AND SUPERVISION OF THE CHILD.

33 B. THE IN-HOME INTERVENTION ORDER MAY INCLUDE A TRAINING OR TREATMENT  
34 PLAN FOR THE PARENT, GUARDIAN OR CUSTODIAN AND THE CHILD.

35 C. THE IN-HOME INTERVENTION SHALL INCLUDE A SPECIFIC TIME FOR  
36 COMPLETION OF THE IN-HOME INTERVENTION, WHICH SHALL NOT EXCEED ONE YEAR  
37 WITHOUT REVIEW AND APPROVAL BY THE COURT. THE COURT SHALL DISMISS THE  
38 DEPENDENCY PETITION IF THE SPECIFIC TIME FOR COMPLETION OF THE IN-HOME  
39 INTERVENTION HAS EXPIRED WITHOUT BEING EXTENDED BY THE COURT AND A DEPENDENCY  
40 ADJUDICATION HEARING HAS NOT BEEN SET AS PROVIDED IN SECTION 8-892.

41 8-892. Compliance

42 IF THE PARENT, GUARDIAN OR CUSTODIAN VIOLATES THE IN-HOME INTERVENTION  
43 ORDER, THE COURT MAY TAKE WHATEVER STEPS IT DEEMS NECESSARY TO OBTAIN  
44 COMPLIANCE OR MAY RESCIND THE ORDER AND SET THE DEPENDENCY ADJUDICATION  
45 HEARING AS PROVIDED IN SECTIONS 8-842 AND 8-843.

1       Sec. 35. Title 13, chapter 29, Arizona Revised Statutes, is amended  
2 by adding section 13-2907.02, to read:

3       13-2907.02. False reporting of child abuse or neglect;  
4                   classification

5       A PERSON WHO KNOWINGLY AND INTENTIONALLY MAKES A FALSE REPORT OF CHILD  
6 ABUSE OR NEGLECT KNOWING THE REPORT IS FALSE OR A PERSON WHO COERCES ANOTHER  
7 PERSON TO MAKE A FALSE REPORT OF CHILD ABUSE OR NEGLECT KNOWING THE REPORT  
8 IS FALSE IS GUILTY OF A CLASS 1 MISDEMEANOR.

9       Sec. 36. Section 25-403, Arizona Revised Statutes, is amended to read:

10       25-403. Custody; drug offenses; best interests of child; joint  
11                   custody; domestic violence; modification of decree;  
12                   fees

13       A. The court shall determine custody, either originally or on petition  
14 for modification, in accordance with the best interests of the child. The  
15 court shall consider all relevant factors, including:

- 16       1. The wishes of the child's parent or parents as to custody.
- 17       2. The wishes of the child as to the custodian.
- 18       3. The interaction and interrelationship of the child with the child's  
19 parent or parents, the child's siblings and any other person who may  
20 significantly affect the child's best interest.
- 21       4. The child's adjustment to home, school and community.
- 22       5. The mental and physical health of all individuals involved.
- 23       6. Which parent is more likely to allow the child frequent and  
24 meaningful continuing contact with the other parent.
- 25       7. Whether one parent, both parents or neither parent has provided  
26 primary care of the child.
- 27       8. The nature and extent of coercion or duress used by a parent in  
28 obtaining an agreement regarding custody.
- 29       9. Whether a parent has complied with chapter 3, article 5 of this  
30 title.

31       10. WHETHER EITHER PARENT WAS CONVICTED OF AN ACT OF FALSE REPORTING  
32 OF CHILD ABUSE OR NEGLECT UNDER SECTION 13-2907.02.

33       B. In awarding child custody, the court may order sole custody or  
34 joint custody. This section does not create a presumption in favor of one  
35 custody arrangement over another. The court in determining custody shall not  
36 prefer a parent as custodian because of that parent's sex.

37       C. The court may issue an order for joint custody of a child if both  
38 parents agree and submit a written parenting plan and the court finds such  
39 an order is in the best interests of the child. The court may order joint  
40 legal custody without ordering joint physical custody.

41       D. The court may issue an order for joint custody over the objection  
42 of one of the parents if the court makes specific written findings of why the  
43 order is in the child's best interests. In determining whether joint custody  
44 is in the child's best interests, the court shall consider the factors  
45 prescribed in subsection A of this section and all of the following:

1           1. The agreement or lack of an agreement by the parents regarding  
2 joint custody.

3           2. Whether a parent's lack of agreement is unreasonable or is  
4 influenced by an issue not related to the best interests of the child.

5           3. The past, present and future abilities of the parents to cooperate  
6 in decision-making about the child to the extent required by the order of  
7 joint custody.

8           4. Whether the joint custody arrangement is logistically possible.

9           E. Notwithstanding subsection N of this section, joint custody shall  
10 not be awarded if the court makes a finding of the existence of significant  
11 domestic violence pursuant to section 13-3601 or if the court finds by a  
12 preponderance of the evidence that there has been a significant history of  
13 domestic violence.

14           F. Before an award is made granting joint custody, the parents shall  
15 submit a proposed parenting plan that includes at least the following:

16           1. Each parent's rights and responsibilities for the personal care of  
17 the child and for decisions in areas such as education, health care and  
18 religious training.

19           2. A schedule of the physical residence of the child, including  
20 holidays and school vacations.

21           3. A procedure by which proposed changes, disputes and alleged  
22 breaches may be mediated or resolved, which may include the use of  
23 conciliation services or private counseling.

24           4. A procedure for periodic review of the plan's terms by the parents.

25           5. A statement that the parties understand that joint custody does not  
26 necessarily mean equal parenting time.

27           G. If the parents are unable to agree on any element to be included  
28 in a parenting plan, the court shall determine that element. The court may  
29 determine other factors that are necessary to promote and protect the  
30 emotional and physical health of the child.

31           H. Unless otherwise provided by court order or law, on reasonable  
32 request both parents are entitled to have equal access to documents and other  
33 information concerning the child's education and physical, mental, moral and  
34 emotional health including medical, school, police, court and other records  
35 directly from the custodian of the records or from the other parent. A  
36 person who does not comply with a reasonable request shall reimburse the  
37 requesting parent for court costs and attorney fees incurred by that parent  
38 to force compliance with this subsection. A parent who attempts to restrict  
39 the release of documents or information by the custodian under this  
40 subsection without a prior court order is subject to appropriate legal  
41 sanctions.

42           I. The court may specify one parent as the primary caretaker of the  
43 child and one home as the primary home of the child for the purposes of  
44 defining eligibility for public assistance. This finding does not diminish



1 the rights of either parent and does not create a presumption for or against  
2 either parent in a proceeding for the modification of a custody order.

3 J. In a contested custody case, the court shall make specific findings  
4 on the record about all relevant factors and the reasons for which the  
5 decision is in the best interests of the child.

6 K. If the court determines that a parent has been convicted of any  
7 drug offense under title 13, chapter 34 or any violation of section 28-1381,  
8 28-1382 or 28-1383 within twelve months before the petition or the request  
9 for custody is filed, there is a rebuttable presumption that sole or joint  
10 custody by that parent is not in the child's best interests. In making this  
11 determination the court shall state its:

12 1. Findings of fact that support its determination that the parent was  
13 convicted of the offense.

14 2. Findings that the custody or parenting time arrangement ordered by  
15 the court appropriately protects the child.

16 L. To determine if the person has rebutted the presumption established  
17 under subsection K of this section, at a minimum the court shall consider the  
18 following evidence:

19 1. The absence of any conviction of any other drug offense during the  
20 previous five years.

21 2. Results of random drug testing for a six month period that indicate  
22 that the person is not using drugs as proscribed by title 13, chapter 34.

23 M. The court shall consider evidence of domestic violence as being  
24 contrary to the best interests of the child. The court shall consider the  
25 safety and well-being of the child and of the victim of the act of domestic  
26 violence to be of primary importance. The court shall consider a  
27 perpetrator's history of causing or threatening to cause physical harm to  
28 another person.

29 N. If the court determines that a parent who is seeking custody has  
30 committed an act of domestic violence against the other parent, there is a  
31 rebuttable presumption that an award of custody to the parent who committed  
32 the act of domestic violence is contrary to the child's best interests. This  
33 presumption does not apply if both parents have committed an act of domestic  
34 violence. For the purposes of this subsection, a person commits an act of  
35 domestic violence if that person does any of the following:

36 1. Intentionally, knowingly or recklessly causes or attempts to cause  
37 sexual assault or serious physical injury.

38 2. Places a person in reasonable apprehension of imminent serious  
39 physical injury to any person.

40 3. Engages in a pattern of behavior for which a court may issue an ex  
41 parte order to protect the other parent who is seeking child custody or to  
42 protect the child and the child's siblings.

43 O. To determine if the parent has rebutted the presumption the court  
44 shall consider all of the following:

1           1. Whether the parent has demonstrated that being awarded sole custody  
2 or joint physical or legal custody is in the child's best interests.

3           2. Whether the parent has successfully completed a batterer's  
4 prevention program.

5           3. Whether the parent has successfully completed a program of alcohol  
6 or drug abuse counseling, if the court determines that counseling is  
7 appropriate.

8           4. Whether the parent has successfully completed a parenting class,  
9 if the court determines that a parenting class is appropriate.

10          5. If the parent is on probation, parole or community supervision,  
11 whether the parent is restrained by a protective order that was granted after  
12 a hearing.

13          6. Whether the parent has committed any further acts of domestic  
14 violence.

15          P. If the court finds that a parent has committed an act of domestic  
16 violence, that parent has the burden of proving to the court's satisfaction  
17 that parenting time will not endanger the child or significantly impair the  
18 child's emotional development. If the parent meets this burden to the  
19 court's satisfaction, the court shall place conditions on parenting time that  
20 best protect the child and the other parent from further harm. The court  
21 may:

22           1. Order that an exchange of the child must occur in a protected  
23 setting as specified by the court.

24           2. Order that an agency specified by the court must supervise  
25 parenting time. If the court allows a family or household member to  
26 supervise parenting time, the court shall establish conditions that this  
27 person must follow during parenting time.

28           3. Order the parent who committed the act of domestic violence to  
29 attend and complete, to the court's satisfaction, a program of intervention  
30 for perpetrators of domestic violence and any other counseling the court  
31 orders.

32           4. Order the parent who committed the act of domestic violence to  
33 abstain from possessing or consuming alcohol or controlled substances during  
34 parenting time and for twenty-four hours before parenting time.

35           5. Order the parent who committed the act of domestic violence to pay  
36 a fee to the court to defray the costs of supervised parenting time.

37           6. Prohibit overnight parenting time.

38           7. Require a bond from the parent who committed the act of domestic  
39 violence for the child's safe return.

40           8. Order that the address of the child and the other parent remain  
41 confidential.

42           9. Impose any other condition that the court determines is necessary  
43 to protect the child, the other parent and any other family or household  
44 member.

1           Q. In determining whether the absence or relocation of a parent shall  
2 be weighed against that parent in determining custody or parenting time, the  
3 court may consider whether the absence or relocation was caused by an act of  
4 domestic violence by the other parent.

5           R. The court shall not order joint counseling between a victim and the  
6 perpetrator of domestic violence. The court may refer a victim to  
7 appropriate counseling and shall provide a victim with written information  
8 about available community resources related to domestic violence.

9           S. To determine if a person has committed an act of domestic violence  
10 the court, subject to the rules of evidence, shall consider all relevant  
11 factors including the following:

- 12           1. Findings from another court of competent jurisdiction.
- 13           2. Police reports.
- 14           3. Medical reports.
- 15           4. Child protective services records.
- 16           5. Domestic violence shelter records.
- 17           6. School records.
- 18           7. Witness testimony.

19           T. A person shall not make a motion to modify a custody decree earlier  
20 than one year after its date, unless the court permits it to be made on the  
21 basis of affidavits that there is reason to believe the child's present  
22 environment may seriously endanger the child's physical, mental, moral or  
23 emotional health. At any time after a joint custody order is entered, a  
24 parent may petition the court for modification of the order on the basis of  
25 evidence that domestic violence pursuant to section 13-1201 or 13-1204,  
26 spousal abuse or child abuse occurred since the entry of the joint custody  
27 order. Six months after a joint custody order is entered, a parent may  
28 petition the court for modification of the order based on the failure of the  
29 other parent to comply with the provisions of the order. A motion or  
30 petition to modify a custody order shall meet the requirements of sections  
31 25-408 and 25-411. Except as otherwise provided in subsection U of this  
32 section, if a custodial parent is a member of the United States armed forces,  
33 the court shall consider the terms of that parent's military family care plan  
34 to determine what is in the child's best interest during the custodial  
35 parent's military deployment.

36           U. For the purposes of a motion to modify a custody decree, the  
37 military deployment of a custodial parent who is a member of the United  
38 States armed forces is not a change in circumstances that materially affects  
39 the welfare of the child if the custodial parent has filed a military family  
40 care plan with the court at a previous custody proceeding and if the military  
41 deployment is less than six months.

42           V. The court shall assess attorney fees and costs against a party  
43 seeking modification if the court finds that the modification action is  
44 vexatious and constitutes harassment.

W. In a proceeding regarding sole custody or joint custody, either party may request attorney fees, costs and expert witness fees to enable the party with insufficient resources to obtain adequate legal representation and to prepare evidence for the hearing. If the court finds there is a financial disparity between the parties, the court may order payment of reasonable fees, expenses and costs to allow adequate preparation.

X. For any custody order entered under this section, the court shall determine an amount of child support in accordance with section 25-320 and guidelines established pursuant to that section. An award of joint custody does not diminish the responsibility of either parent to provide for the support of the child.

Y. The court shall not request or order the services of the division of children and family services in the department of economic security unless it believes that a child may be the victim of child abuse or neglect as defined in section 8-201.

Sec. 37. Section 41-1291, Arizona Revised Statutes, is amended to read:

41-1291. Joint legislative committee on children and family services

A. The joint legislative committee on children and family services is established consisting of the following members who have an interest in and familiarity with issues and programs concerning children and family services:

1. Five members of the senate appointed by the president of the senate, not more than three of whom shall be members of the same political party. The president shall designate one member as cochairperson.

2. Five members of the house of representatives appointed by the speaker of the house of representatives, not more than three of whom shall be members of the same political party. The speaker shall designate one member as cochairperson.

B. The committee shall meet within thirty days of the presentation by a member of the legislature of a written constituent complaint and a written request to review. The committee shall also meet whenever committee members consider it necessary except that the committee shall not meet more than ten times each year unless the president of the senate and the speaker of the house of representatives agree to additional meetings. THE COMMITTEE SHALL MEET AT LEAST ANNUALLY TO REVIEW CHILD FATALITIES RELATED TO ABUSE OR NEGLECT. If the committee meets pursuant to a legislator's request to review, the legislator who made the request may be present when the committee reviews the case and may receive and review all information presented pertaining to the matter requested to be reviewed. On request of the person who is the subject of an investigation under review, the committee may meet with that person in executive session pursuant to section 38-431.03 and without the presence of any representative of the department of economic security.

C. Six members constitute a quorum.

1 D. The committee shall:

2 1. REVIEW REPORTS OF CHILD ABUSE, NEGLECT AND DEPENDENCY AND ACTIONS  
3 TAKEN BY THE DEPARTMENT TO PROTECT CHILDREN.

4 2. HAVE ACCESS TO ALL CHILD PROTECTIVE SERVICES RECORDS OF THE  
5 DEPARTMENT ON REQUEST OF A CHAIRPERSON OF THE COMMITTEE OR A MAJORITY VOTE  
6 OF THE COMMITTEE.

7 ~~1.~~ 3. Monitor children and family services and legislative  
8 recommendations concerning children and family services.

9 ~~2.~~ 4. Provide a forum for persons to express their concerns about  
10 state programs that relate to children and family services.

11 ~~3.~~ 5. Make administrative and legislative recommendations concerning  
12 children and family services.

13 ~~4.~~ 6. Work with the ombudsman-citizens aide office to make systemic  
14 recommendations to improve the system that delivers services to children and  
15 families.

16 E. The committee has the authority conferred by law on legislative  
17 committees.

18 F. The committee may use the services of legislative staff.

19 Sec. 38. Section 41-1953, Arizona Revised Statutes, is amended to  
20 read:

21 41-1953. Department organization; deputy director; assistant  
22 directors

23 A. The director may establish, abolish or reorganize the positions or  
24 organizational units within the department to carry out the functions  
25 provided by section 41-1954, subject to legislative appropriation, if in the  
26 director's judgment the modification of organization would make the operation  
27 of the department more efficient, effective or economical. The director or  
28 the director's deputy shall enforce cooperation among the divisions in the  
29 provision and integration of all functions on the district and local level.

30 B. The director shall appoint a deputy director of the department with  
31 the advice and consent of the governor. The deputy director shall serve at  
32 the pleasure of the director. The deputy director shall be directly  
33 responsible for the operation and coordination of those services of the  
34 department concerning initial intake, screening, evaluation and referral of  
35 persons served by the department.

36 C. The director shall appoint an assistant director to head each  
37 organizational unit that the director may establish. Each assistant director  
38 shall serve at the pleasure of the director.

39 D. TO THE MAXIMUM EXTENT POSSIBLE, THE DIRECTOR SHALL ESTABLISH  
40 SEPARATE INVESTIGATION UNITS FOR THE PURPOSE OF INVESTIGATING ALLEGATIONS OF  
41 DEPENDENCY, ABUSE AND NEGLECT ACCORDING TO PROTOCOLS ESTABLISHED PURSUANT TO  
42 SECTION 8-817.

43 ~~0.~~ E. The department succeeds to the authority, powers, duties and  
44 responsibilities of the following:

1           1. The employment security commission of Arizona and its Arizona state  
2 employment service, unemployment compensation and administrative service  
3 divisions.

4           2. The state department of public welfare.

5           3. The division of vocational rehabilitation.

6           4. The state office of economic opportunity.

7           5. The state office of manpower planning.

8           6. The state department of mental retardation.

9           ~~E.~~ F. In the statutes, references to the agencies and departments  
10 listed in subsection ~~D~~ E shall be deemed to be references to the department  
11 of economic security or its appropriate divisions, offices or organizational  
12 units.

13           Sec. 39. Section 41-1954, Arizona Revised Statutes, is amended to  
14 read:

15           41-1954. Powers and duties

16           A. In addition to the powers and duties of the agencies listed in  
17 section 41-1953, subsection ~~D~~ E, the department shall:

18           1. Administer the following services:

19           (a) Employment services, which shall include manpower programs and  
20 work training, field operations, technical services, unemployment  
21 compensation, community work and training and other related functions in  
22 furtherance of programs under the social security act, as amended, the  
23 Wagner-Peyser act, as amended, the federal unemployment tax act, as amended,  
24 33 United States Code, the family support act of 1988 (P.L. 100-485) and  
25 other related federal acts and titles.

26           (b) Individual and family services, which shall include a section on  
27 aging, services to children, youth and adults and other related functions in  
28 furtherance of social service programs under the social security act, as  
29 amended, title IV, grants to states for aid and services to needy families  
30 with children and for child-welfare services, title XX, grants to states for  
31 services, the older Americans act, as amended, the family support act of 1988  
32 (P.L. 100-485) and other related federal acts and titles.

33           (c) Income maintenance services, which shall include categorical  
34 assistance programs, special services unit, child support collection  
35 services, establishment of paternity services, maintenance and operation of  
36 a state case registry of child support orders, a state directory of new  
37 hires, a support payment clearinghouse and other related functions in  
38 furtherance of programs under the social security act, title IV, grants to  
39 states for aid and services to needy families with children and for  
40 child-welfare services, title XX, grants to states for services, as amended,  
41 and other related federal acts and titles.

42           (d) Rehabilitation services, which shall include vocational  
43 rehabilitation services and sections for the blind and visually impaired,  
44 communication disorders, correctional rehabilitation and other related  
45 functions in furtherance of programs under the vocational rehabilitation act,

1 as amended, the Randolph-Sheppard act, as amended, and other related federal  
2 acts and titles.

3 (e) Administrative services, which shall include the coordination of  
4 program evaluation and research, interagency program coordination and  
5 in-service training, planning, grants, development and management,  
6 information, legislative liaison, budget, licensing and other related  
7 functions.

8 (f) Manpower planning, which shall include a state manpower planning  
9 council for the purposes of the federal-state-local cooperative manpower  
10 planning system and other related functions in furtherance of programs under  
11 the comprehensive employment and training act of 1973, as amended, and other  
12 related federal acts and titles.

13 (g) Economic opportunity services, which shall include the furtherance  
14 of programs prescribed under the economic opportunity act of 1967, as  
15 amended, and other related federal acts and titles.

16 (h) Mental retardation and other developmental disability programs,  
17 with emphasis on referral and purchase of services. The program shall  
18 include educational, rehabilitation, treatment and training services and  
19 other related functions in furtherance of programs under the developmental  
20 disabilities services and facilities construction act, Public Law 91-517, and  
21 other related federal acts and titles.

22 (i) Nonmedical home and community based services and functions  
23 including department designated case management, housekeeping services, chore  
24 services, home health aid, personal care, visiting nurse services, adult day  
25 care or adult day health, respite sitter care, attendant care, home delivered  
26 meals and other related services and functions.

27 2. Provide a coordinated system of initial intake, screening,  
28 evaluation and referral of persons served by the department.

29 3. Adopt rules it deems necessary or desirable to further the  
30 objectives and programs of the department.

31 4. Formulate policies, plans and programs to effectuate the missions  
32 and purposes of the department.

33 5. Employ, determine the conditions of employment and prescribe the  
34 duties and powers of administrative, professional, technical, secretarial,  
35 clerical and other persons as may be necessary in the performance of its  
36 duties, contract for the services of outside advisors, consultants and aides  
37 as may be reasonably necessary and reimburse department volunteers,  
38 designated by the director, for expenses in transporting clients of the  
39 department on official business.

40 6. Make contracts and incur obligations within the general scope of  
41 its activities and operations subject to the availability of funds.

42 7. Contract with or assist other departments, agencies and  
43 institutions of the state, local and federal governments in the furtherance  
44 of its purposes, objectives and programs.

1           8. Be designated as the single state agency for the purposes of  
2 administering and in furtherance of each federally supported state plan.

3           9. Accept and disburse grants, matching funds and direct payments from  
4 public or private agencies for the conduct of programs which are consistent  
5 with the overall purposes and objectives of the department.

6           10. Provide information and advice on request by local, state and  
7 federal agencies and by private citizens, business enterprises and community  
8 organizations on matters within the scope of its duties subject to the  
9 departmental rules on the confidentiality of information.

10          11. Establish and maintain separate financial accounts as required by  
11 federal law or regulations.

12          12. Advise with and make recommendations to the governor and the  
13 legislature on all matters concerning its objectives.

14          13. Have an official seal which shall be judicially noticed.

15          14. Annually estimate the current year's population of each county,  
16 city and town in this state, using the periodic census conducted by the  
17 United States department of commerce, or its successor agency, as the basis  
18 for such estimates and deliver such estimates to the economic estimates  
19 commission before December 15.

20          15. Estimate the population of any newly annexed areas of a political  
21 subdivision as of July 1 of the fiscal year in which the annexation occurs  
22 and deliver such estimates as promptly as is feasible after the annexation  
23 occurs to the economic estimates commission.

24          16. Establish and maintain a statewide program of services for persons  
25 who are both hearing impaired and visually impaired and coordinate  
26 appropriate services with other agencies and organizations to avoid  
27 duplication of these services and to increase efficiency. The department of  
28 economic security shall enter into agreements for the utilization of the  
29 personnel and facilities of the department of economic security, the  
30 department of health services and other appropriate agencies and  
31 organizations in providing these services.

32          17. Establish and charge fees for deposit in the department of economic  
33 security prelayoff assistance services fund to employers who voluntarily  
34 participate in the services of the department which provide job service and  
35 retraining for persons who have been or are about to be laid off from  
36 employment. The department shall charge only those fees necessary to cover  
37 the costs of administering the job service and retraining services.

38          18. Establish a focal point for addressing the issue of hunger in  
39 Arizona and provide coordination and assistance to public and private  
40 nonprofit organizations which aid hungry persons and families throughout this  
41 state. Specifically such activities shall include:

42           (a) Collecting and disseminating information regarding the location  
43 and availability of surplus food for distribution to needy persons, the  
44 availability of surplus food for donation to charity food bank organizations,  
45 and the needs of charity food bank organizations for surplus food.



1 (b) Coordinating the activities of federal, state, local and private  
2 nonprofit organizations that provide food assistance to the hungry.

3 (c) Accepting and disbursing federal monies, and any state monies  
4 appropriated by the legislature, to private nonprofit organizations in  
5 support of the collection, receipt, handling, storage and distribution of  
6 donated or surplus food items.

7 (d) Providing technical assistance to private nonprofit organizations  
8 that provide or intend to provide services to the hungry.

9 (e) Developing a state plan on hunger which, at a minimum, identifies  
10 the magnitude of the hunger problem in this state, the characteristics of the  
11 population in need, the availability and location of charity food banks and  
12 the potential sources of surplus food, assesses the effectiveness of the  
13 donated food collection and distribution network and other efforts to  
14 alleviate the hunger problem, and recommends goals and strategies to improve  
15 the status of the hungry. The state plan on hunger shall be incorporated  
16 into the department's state comprehensive plan prepared pursuant to section  
17 41-1956.

18 (f) Establishing a special purpose advisory council on hunger pursuant  
19 to section 41-1981.

20 19. Establish an office to address the issue of homelessness and to  
21 provide coordination and assistance to public and private nonprofit  
22 organizations that prevent homelessness or aid homeless individuals and  
23 families throughout this state. These activities shall include:

24 (a) Promoting and participating in planning for the prevention of  
25 homelessness and the development of services to homeless persons.

26 (b) Identifying and developing strategies for resolving barriers in  
27 state agency service delivery systems that inhibit the provision and  
28 coordination of appropriate services to homeless persons and persons in  
29 danger of being homeless.

30 (c) Assisting in the coordination of the activities of federal, state  
31 and local governments and the private sector that prevent homelessness or  
32 provide assistance to homeless people.

33 (d) Assisting in obtaining and increasing funding from all appropriate  
34 sources to prevent homelessness or assist in alleviating homelessness.

35 (e) Serving as a clearinghouse on information regarding funding and  
36 services available to assist homeless persons and persons in danger of being  
37 homeless.

38 (f) Developing an annual state comprehensive homeless assistance plan  
39 to prevent and alleviate homelessness.

40 (g) Submitting an annual report by January 1, 1992 and each year  
41 thereafter to the governor, the president of the senate and the speaker of  
42 the house of representatives on the status of homelessness and efforts to  
43 prevent and alleviate homelessness.

44 20. Cooperate with the Arizona-Mexico commission in the governor's  
45 office and with researchers at universities in this state to collect data and

1 conduct projects in the United States and Mexico on issues that are within  
2 the scope of the department's duties and that relate to quality of life,  
3 trade and economic development in this state in a manner that will help the  
4 Arizona-Mexico commission to assess and enhance the economic competitiveness  
5 of this state and of the Arizona-Mexico region.

6 B. If the department has responsibility for the care, custody or  
7 control of a child or is paying the cost of care for a child, it may serve  
8 as representative payee to receive and administer social security and  
9 veterans administration benefits and other benefits payable to such child.  
10 Notwithstanding any law to the contrary, the department:

11 1. Shall deposit, pursuant to sections 35-146 and 35-147, such monies  
12 as it receives to be retained separate and apart from the state general fund  
13 on the books of the department of administration.

14 2. May use such monies to defray the cost of care and services  
15 expended by the department for the benefit, welfare and best interests of the  
16 child and invest any of the monies that the director determines are not  
17 necessary for immediate use.

18 3. Shall maintain separate records to account for the receipt,  
19 investment and disposition of funds received for each child.

20 4. On termination of the department's responsibility for the child,  
21 shall release any funds remaining to the child's credit in accordance with  
22 the requirements of the funding source or in the absence of such requirements  
23 shall release the remaining funds to:

24 (a) The child, if the child is at least eighteen years of age or is  
25 emancipated.

26 (b) The person responsible for the child if the child is a minor and  
27 not emancipated.

28 C. Subsection B of this section does not pertain to benefits payable  
29 to or for the benefit of a child receiving services under title 36.

30 D. Volunteers reimbursed for expenses pursuant to subsection A,  
31 paragraph 5 of this section are not eligible for workers' compensation under  
32 title 23, chapter 6.

33 E. In implementing the temporary assistance for needy families program  
34 pursuant to Public Law 104-193, the department shall provide for cash  
35 assistance to two parent families if both parents are able to work only upon  
36 documented participation by both parents in work activities described in  
37 title 46, chapter 2, article 5, except that payments may be made to families  
38 who do not meet the participation requirements if:

39 1. It is determined on an individual case basis that they have  
40 emergency needs.

41 2. The family is determined to be eligible for diversion from  
42 long-term cash assistance pursuant to title 46, chapter 2, article 5.

43 F. The department shall provide for cash assistance under temporary  
44 assistance for needy families pursuant to Public Law 104-193 to two parent  
45 families for no longer than six months if both parents are able to work,

1 except that additional assistance may be provided on an individual case basis  
2 to families with extraordinary circumstances. The department shall establish  
3 by rule the criteria to be used to determine eligibility for additional cash  
4 assistance.

5 G. The department may establish a representative payee program to  
6 provide representative payee services to manage social security or  
7 supplemental security income benefits for persons who are receiving general  
8 assistance benefits pursuant to section 46-233 and who require the services  
9 of a representative payee to manage social security or supplemental security  
10 income benefits. The department may use not more than an average of eight  
11 hundred fifty dollars for any one person annually from monies appropriated  
12 for general assistance benefits for the purpose of paying persons or agencies  
13 to provide representative payee services.

14 H. The department shall adopt the following discount medical payment  
15 system no later than October 1, 1993 for persons who the department  
16 determines are eligible and who are receiving rehabilitation services  
17 pursuant to subsection A, paragraph 1, subdivision (d) of this section:

18 1. For inpatient hospital admissions and outpatient hospital services  
19 the department shall reimburse a hospital according to the tiered per diem  
20 rates and outpatient cost-to-charge ratios established by the Arizona health  
21 care cost containment system pursuant to section 36-2903.01, subsection H.

22 2. The department's liability for a hospital claim under this  
23 subsection is subject to availability of funds.

24 3. A hospital bill is considered received for purposes of paragraph 5  
25 of this subsection upon initial receipt of the legible, error-free claim form  
26 by the department if the claim includes the following error-free  
27 documentation in legible form:

28 (a) An admission face sheet.

29 (b) An itemized statement.

30 (c) An admission history and physical.

31 (d) A discharge summary or an interim summary if the claim is split.

32 (e) An emergency record, if admission was through the emergency room.

33 (f) Operative reports, if applicable.

34 (g) A labor and delivery room report, if applicable.

35 4. The department shall require that the hospital pursue other third  
36 party payors before submitting a claim to the department. Payment received  
37 by a hospital from the department pursuant to this subsection is considered  
38 payment by the department of the department's liability for the hospital  
39 bill. A hospital may collect any unpaid portion of its bill from other third  
40 party payors or in situations covered by title 33, chapter 7, article 3.

41 5. For inpatient hospital admissions and outpatient hospital services  
42 rendered on and after October 1, 1997, if the department receives the claim  
43 directly from the hospital, the department shall pay a hospital's rate  
44 established according to this section subject to the following:

1 (a) If the hospital's bill is paid within thirty days of the date the  
2 bill was received, the department shall pay ninety-nine per cent of the rate.

3 (b) If the hospital's bill is paid after thirty days but within sixty  
4 days of the date the bill was received, the department shall pay one hundred  
5 per cent of the rate.

6 (c) If the hospital's bill is paid any time after sixty days of the  
7 date the bill was received, the department shall pay one hundred per cent of  
8 the rate plus a fee of one per cent per month for each month or portion of  
9 a month following the sixtieth day of receipt of the bill until the date of  
10 payment.

11 6. For medical services other than those for which a rate has been  
12 established pursuant to section 36-2903.01, subsection H, the department  
13 shall pay according to the Arizona health care cost containment system capped  
14 fee-for-service schedule adopted pursuant to section 36-2904, subsection L  
15 or any other established fee schedule the department determines reasonable.

16 1. The department shall not pay claims for services pursuant to this  
17 section that are submitted more than nine months after the date of service  
18 for which the payment is claimed.

19 J. To assist in the location of persons or assets for the purpose of  
20 establishing paternity, establishing, modifying or enforcing child support  
21 obligations and other related functions, the department has access, including  
22 automated access if the records are maintained in an automated data base, to  
23 records of state and local government agencies, including:

24 1. Vital statistics, including records of marriage, birth and divorce.

25 2. State and local tax and revenue records, including information on  
26 residence address, employer, income and assets.

27 3. Records concerning real and titled personal property.

28 4. Records of occupational and professional licenses.

29 5. Records concerning the ownership and control of corporations,  
30 partnerships and other business entities.

31 6. Employment security records.

32 7. Records of agencies administering public assistance programs.

33 8. Records of the motor vehicle division of the department of  
34 transportation.

35 9. Records of the state department of corrections.

36 10. Any system used by a state agency to locate a person for motor  
37 vehicle or law enforcement purposes, including access to information  
38 contained in the Arizona criminal justice information system.

39 K. Notwithstanding subsection J of this section, the department or its  
40 agents shall not seek or obtain information on the assets of an individual  
41 unless paternity is presumed pursuant to section 25-814 or established.

42 L. Access to records of the department of revenue pursuant to  
43 subsection J of this section shall be provided in accordance with section  
44 42-2003.

1 M. The department also has access to certain records held by private  
2 entities with respect to child support obligors or obligees, or individuals  
3 against whom such an obligation is sought. The information shall be obtained  
4 as follows:

5 1. In response to a child support subpoena issued by the department  
6 pursuant to section 25-520, the names and addresses of these persons and the  
7 names and addresses of the employers of these persons, as appearing in  
8 customer records of public utilities and cable television companies.

9 2. Information on these persons held by financial institutions.

10 N. Pursuant to department rules, the department may compromise or  
11 settle any support debt owed to the department if the director or an  
12 authorized agent determines that it is in the best interest of the state and  
13 after considering each of the following factors:

14 1. The obligor's financial resources.

15 2. The cost of further enforcement action.

16 3. The likelihood of recovering the full amount of the debt.

17 O. Notwithstanding any law to the contrary, a state or local  
18 governmental agency or private entity is not subject to civil liability for  
19 the disclosure of information made in good faith to the department pursuant  
20 to this section.

21 Sec. 40. Title 41, chapter 14, article 1, Arizona Revised Statutes,  
22 is amended by adding section 41-1966, to read:

23 41-1966. Department of economic security; audit team; duties

24 A. THE AUDITOR GENERAL SHALL ESTABLISH AN AUDIT TEAM TO BE LOCATED IN  
25 THE DEPARTMENT OF ECONOMIC SECURITY TO PROVIDE ONGOING PERFORMANCE REVIEW AND  
26 ANALYSES.

27 B. PURSUANT TO AN AUDIT PLAN ADOPTED AFTER REVIEW BY THE JOINT  
28 LEGISLATIVE AUDIT COMMITTEE, THE AUDIT TEAM MAY:

29 1. DETERMINE THE VALIDITY AND ACCURACY OF INFORMATION REPORTED BY THE  
30 DIVISION TO THE LEGISLATURE.

31 2. PERFORM OTHER REVIEWS AND ANALYSES RELATING TO CHILD PROTECTIVE  
32 SERVICES AS SET FORTH IN THE AUDIT PLAN.

33 3. REVIEW A SPECIFIC DIVISION FUNCTION OR PROCESS RELATING TO CHILD  
34 PROTECTIVE SERVICES AS REQUESTED BY THE JOINT LEGISLATIVE AUDIT COMMITTEE.

35 C. PURSUANT TO SECTION 41-1279.04, THE DEPARTMENT SHALL PROVIDE THE  
36 AUDITOR GENERAL ACCESS TO ANY DATA FROM THE DEPARTMENT, INCLUDING ELECTRONIC  
37 DATA, THE AUDITOR GENERAL DEEMS NECESSARY TO PERFORM THE DUTIES OUTLINED IN  
38 THIS SECTION. THIS DATA SHALL BE PROVIDED IN THE MANNER AND FORMAT  
39 PRESCRIBED BY THE AUDITOR GENERAL.

40 Sec. 41. Laws 2003, chapter 208, section 1 is amended to read:

41 Section 1. Open juvenile proceedings; pilot projects;  
42 confidential records; report

43 A. The department of economic security, in collaboration with the  
44 superior court juvenile division in ~~Maricopa county~~ COUNTIES WITH A  
45 POPULATION OF MORE THAN FIVE HUNDRED THOUSAND PERSONS shall implement a pilot

1 project to open to the public at least five per cent but no more than ten per  
2 cent of the dependency, guardianship and termination of parental rights  
3 proceedings filed in the division and to determine if opening these  
4 proceedings to the public will promote due process while safeguarding privacy  
5 rights. IN COUNTIES WITH A POPULATION OF FIVE HUNDRED THOUSAND OR FEWER  
6 PERSONS BUT MORE THAN ONE HUNDRED FIFTY THOUSAND PERSONS, THE DEPARTMENT OF  
7 ECONOMIC SECURITY, IN COLLABORATION WITH THE SUPERIOR COURT JUVENILE DIVISION  
8 SHALL IMPLEMENT A PILOT PROJECT TO OPEN TO THE PUBLIC AT LEAST FIVE PER CENT  
9 OF THE DEPENDENCY, GUARDIANSHIP AND TERMINATION OF PARENTAL RIGHTS  
10 PROCEEDINGS FILED IN THE DIVISION AND TO DETERMINE IF OPENING THESE  
11 PROCEEDINGS TO THE PUBLIC WILL PROMOTE DUE PROCESS WHILE SAFEGUARDING PRIVACY  
12 RIGHTS. IN COUNTIES WITH A POPULATION OF ONE HUNDRED FIFTY THOUSAND OR FEWER  
13 PERSONS, THE DEPARTMENT OF ECONOMIC SECURITY, IN COLLABORATION WITH THE  
14 SUPERIOR COURT JUVENILE DIVISION FOR EACH COUNTY SHALL IMPLEMENT A PILOT  
15 PROJECT TO OPEN TO THE PUBLIC AT LEAST FIVE PER CENT BUT NOT MORE THAN TEN  
16 PER CENT OF THE DEPENDENCY, GUARDIANSHIP AND TERMINATION OF PARENTAL RIGHTS  
17 PROCEEDINGS FILED IN THE DIVISION AND TO DETERMINE IF OPENING THESE  
18 PROCEEDINGS TO THE PUBLIC WILL PROMOTE DUE PROCESS WHILE SAFEGUARDING PRIVACY  
19 RIGHTS. The pilot project PROJECTS must comply with federal requirements  
20 that are prescribed as a condition to the allocation of federal monies to  
21 this state.

22 B. Except as provided in section 8-807, Arizona Revised Statutes,  
23 records relating to a proceeding that is open to the public pursuant to this  
24 section are ~~not open to public inspection~~. AVAILABLE FOR PUBLIC INSPECTION,  
25 EXCEPT THAT THE FOLLOWING INFORMATION SHALL NOT BE ACCESSIBLE TO THE PUBLIC:

26 1. AUDIOTAPES OR VIDEOTAPES OF A CHILD ALLEGING OR DESCRIBING PHYSICAL  
27 ABUSE, SEXUAL ABUSE OR NEGLECT OF ANY CHILD.

28 2. PORTIONS OF CHILD PROTECTIVE SERVICES CASE RECORDS THAT IDENTIFY  
29 REPORTERS OF ABUSE OR NEGLECT.

30 3. HIV TEST RESULTS.

31 4. MEDICAL RECORDS, CHEMICAL DEPENDENCY EVALUATIONS AND RECORDS,  
32 PSYCHOLOGICAL EVALUATIONS AND RECORDS AND PSYCHIATRIC EVALUATIONS AND  
33 RECORDS.

34 5. SEXUAL OFFENDER TREATMENT PROGRAM REPORTS.

35 6. PORTIONS OF PHOTOGRAPHS THAT IDENTIFY A CHILD OR RECORDS OR  
36 PORTIONS OF RECORDS THAT SPECIFICALLY IDENTIFY A MINOR VICTIM OF AN ALLEGED  
37 OR ADJUDICATED SEXUAL ABUSE PURSUANT TO SECTION 13-1404, SEXUAL CONDUCT WITH  
38 A MINOR PURSUANT TO SECTION 13-1405, SEXUAL ASSAULT PURSUANT TO SECTION  
39 13-1406, MOLESTATION OF A CHILD PURSUANT TO SECTION 13-1410, CHILD  
40 PROSTITUTION PURSUANT TO SECTION 13-3212, COMMERCIAL SEXUAL EXPLOITATION OF  
41 A MINOR PURSUANT TO SECTION 13-3552, SEXUAL EXPLOITATION OF A MINOR PURSUANT  
42 TO SECTION 13-3553 OR INCEST PURSUANT TO SECTION 13-3608.

43 7. ANY DOCUMENT THAT THE COURT, ON ITS OWN MOTION OR THE MOTION OF A  
44 PARTY, ORDERS INACCESSIBLE TO SERVE THE BEST INTEREST OF THE CHILD.

1           8. RECORDS OR PORTIONS OF RECORDS THAT IDENTIFY THE NAME, ADDRESS,  
2 HOME OR LOCATION OF ANY SHELTER CARE OR FOSTER CARE FACILITY IN WHICH A CHILD  
3 IS PLACED PURSUANT TO TEMPORARY CUSTODY CARE PLACEMENT, FOSTER CARE  
4 PLACEMENT, PREADOPTIVE PLACEMENT, ADOPTIVE PLACEMENT OR ANY OTHER TYPE OF  
5 COURT ORDERED PLACEMENT.

6           9. PERSONALLY IDENTIFIABLE INFORMATION INCLUDING THE NAME, ADDRESS,  
7 DATE OF BIRTH, SOCIAL SECURITY NUMBER, TRIBAL ENROLLMENT NUMBER, TELEPHONE  
8 OR FAX NUMBER, DRIVER LICENSE NUMBER, PLACES OF EMPLOYMENT, SCHOOL  
9 IDENTIFICATION OR MILITARY IDENTIFICATION NUMBER OR ANY OTHER DISTINGUISHING  
10 CHARACTERISTIC THAT TENDS TO IDENTIFY A PARTICULAR PERSON.

11           C. At the beginning of any proceeding, the court must ask the parties  
12 if there are any reasons the proceeding should be closed.

13           D. Before opening a proceeding to the public, the court shall  
14 consider:

15           1. Whether doing so is in the child's best interests.

16           2. Whether doing so would endanger the child's physical or emotional  
17 well-being or the safety of any other person.

18           3. The privacy rights of the child, the child's siblings, parents,  
19 guardians and caregivers and any other person whose privacy rights the court  
20 determines need protection.

21           4. Whether all parties have agreed to allow the proceeding to be open.

22           E. The court shall consider the request of a child to close the  
23 proceeding if the child is at least twelve years of age and a party to the  
24 proceeding.

25           F. If a hearing is open, at the beginning of the hearing the court  
26 shall admonish all attendees that they are prohibited by order of the court  
27 from disclosing outside the hearing personally identifiable information about  
28 the child, the child's siblings, parents, guardians, OR caregivers and ANY  
29 others mentioned in the hearing. A person who knowingly and voluntarily  
30 remains in the courtroom after the admonition submits to the jurisdiction of  
31 the court and shall abide by the orders of the court prohibiting disclosure  
32 of that information. Failure to abide by the orders shall be deemed contempt  
33 of court. The court shall explain contempt of court to all attendees,  
34 including observers, and the possible consequences of violating an order of  
35 the court. For the purposes of this subsection, "personally identifiable  
36 information" includes name, address, date of birth, social security number,  
37 tribal enrollment number, telephone or telefacsimile number, driver license  
38 number, places of employment, school identification or military  
39 identification number or any other distinguishing characteristic that tends  
40 to identify a particular person.

41           G. The court may close an open hearing at any time during the  
42 proceeding.

43           H. The department of economic security in collaboration with the  
44 superior court juvenile division in Maricopa county and the administrative  
45 office of the courts shall evaluate the impact and effectiveness of the pilot

1 program and shall submit a written interim report of its findings to the  
2 governor, the president of the senate, the speaker of the house of  
3 representatives and the chief justice of the supreme court by January 1, 2004  
4 and a final report on or before October NOVEMBER 15, 2004 2005.

5 I. The interim report shall include:

6 1. The number and type of proceedings that were open to the public.

7 2. The number of proceedings in which a person objected to the  
8 proceeding being open to the public.

9 3. The number and type of proceedings ordered closed by the court and  
10 the reason for this action.

11 4. The number and type of proceedings ordered closed at the request  
12 of a child who was at least twelve years of age.

13 5. The number of proceedings attended by a person who was not a party  
14 to the proceeding.

15 6. The satisfaction of participants in proceedings open to the public.

16 7. Whether and to what extent the opening of any proceedings resulted  
17 in an adverse effect upon the child or children who were the subject of the  
18 proceedings.

19 J. The final report shall include the information prescribed in  
20 subsection I of this section for the period ending on June SEPTEMBER 30, 2004  
21 2005 and a detailed analysis of the operational and fiscal implications of  
22 a statewide implementation of open court proceedings.

23 K. THE DEPARTMENT OF ECONOMIC SECURITY IN COLLABORATION WITH THE  
24 APPROPRIATE SUPERIOR COURT JUVENILE DIVISION AND THE ADMINISTRATIVE OFFICE  
25 OF THE COURTS SHALL EVALUATE THE IMPACT AND EFFECTIVENESS OF THE PILOT  
26 PROGRAM IN EACH PARTICIPATING COUNTY OTHER THAN MARICOPA COUNTY AND SHALL  
27 SUBMIT A WRITTEN REPORT OF ITS FINDINGS TO THE GOVERNOR, THE PRESIDENT OF THE  
28 SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES ON OR BEFORE NOVEMBER  
29 15, 2005. THE REPORT MAY BE SUBMITTED WITH THE FINAL REPORT OF THE MARICOPA  
30 COUNTY PILOT PROJECT AS REQUIRED BY SUBSECTION H OF THIS SECTION AND THE  
31 REPORT SHALL CONTAIN THE INFORMATION PRESCRIBED IN SUBSECTION I OF THIS  
32 SECTION FOR THE PERIOD ENDING SEPTEMBER 30, 2005.

33 Sec. 42. Laws 2003, chapter 208, section 3 is amended to read:

34 Sec. 3. Delayed repeal

35 Section 1 of this act is repealed from and after December 31, 2004  
36 2005.

37 Sec. 43. Protocols for initial screening and safety assessments

38 The department of economic security shall develop the protocols for  
39 initial screening and safety assessments of child abuse and neglect  
40 allegations pursuant to section 8-817, Arizona Revised Statutes, as added by  
41 this act, on or before July 1, 2004.

42 Sec. 44. Protocols for joint investigations

43 The county attorney in each county, the county sheriff, the chief law  
44 enforcement officers of each municipality in the county and the department  
45 of economic security shall develop the protocols for joint investigations of



1 extremely serious conduct allegations pursuant to section 8-817, Arizona  
2 Revised Statutes, as added by this act, on or before July 1, 2004.

3 Sec. 45. Delayed repeal

4 Section 8-223, Arizona Revised Statutes, as added by this act, is  
5 repealed from and after December 31, 2006.

6 Sec. 46. Stipend; child protective services workers

7 The director of the department of economic security shall pay, from  
8 monies currently available to the department, a monthly stipend to each child  
9 protective services worker who has at least three years of experience as a  
10 child protective services worker and who investigates at least six  
11 allegations of dependency, abuse or neglect in a month. The amount of the  
12 stipend shall be ten per cent of the child protective services worker's  
13 monthly salary.

14 Sec. 47. Conforming legislation

15 The legislative council staff shall prepare proposed legislation  
16 conforming the Arizona Revised Statutes to the provisions of this act for  
17 consideration in the forty-sixth legislature, second regular session.

18 Sec. 48. Department of economic security; deficit plan  
19 exception

20 Notwithstanding section 35-131, Arizona Revised Statutes, until July  
21 1, 2004, the department of economic security shall not be required to meet  
22 the provisions of section 35-131, subsection D, paragraph 2, Arizona Revised  
23 Statutes, with respect to child protective services. This exception is due  
24 to the substantial reforms enacted by the legislature pursuant to this act.

25 Sec. 49. Child protective services; caseload standards

26 The department of economic security shall develop and adopt its own  
27 specific child protective services caseload standards before July 1, 2004 and  
28 report these standards to the joint legislative committee on children and  
29 family services.

30 Sec. 50. Child protective services; evaluation criteria

31 A. The department of economic security shall establish evaluation  
32 criteria for child protective services. These criteria shall include:

33 1. Performance measures for employees to evaluate child protective  
34 services based on rankings of excellent, good, satisfactory or poor. The  
35 evaluation shall provide a mechanism for employees to provide suggestions for  
36 improvement of child protective services and the foster parent system.

37 2. Performance measures for foster parents to evaluate child  
38 protective services based on rankings of excellent, good, satisfactory or  
39 poor. The evaluation shall provide a mechanism for foster parents to provide  
40 suggestions for improvement of child protective services and the foster  
41 parent system.

42 3. Evaluations of ongoing improvements in child protective services  
43 made using scientific methodology. The department shall measure its success  
44 compared to other states using data that is offset for demographics and

1 income. In an effort to improve performance, the department shall evaluate  
2 states that have performance with the greatest success.

3 B. The department shall conduct the evaluations pursuant to subsection  
4 A, paragraphs 1 and 2 twice a year. The department shall conduct the  
5 evaluations pursuant to subsection A, paragraph 3 once.

6 C. This section is repealed from and after December 31, 2005.

7 Sec. 51. Appropriations; purpose; exemption

8 A. The sum of \$350,000 is appropriated from the state general fund in  
9 fiscal year 2003-2004, the sum of \$250,000 is appropriated from the state  
10 general fund in fiscal year 2004-2005 and the sum of \$75,000 is appropriated  
11 from the state general fund in fiscal year 2005-2006 to the department of  
12 economic security for the purpose of entering into the contract required by  
13 section 8-830, Arizona Revised Statutes, as added by this act.

14 B. Monies remaining unexpended and unencumbered from the  
15 appropriations made in this section on July 1 immediately following the end  
16 of the fiscal year for which the monies were appropriated revert to the state  
17 general fund on July 1 immediately following the end of the fiscal year for  
18 which the monies were appropriated.

19 Sec. 52. Appropriations; department of economic security;  
20 department of health services; purposes

21 A. The following sums are appropriated from the state general fund in  
22 fiscal year 2003-2004 to the department of economic security for the  
23 following child protective services:

24 1. \$6,304,300 for the following purposes:

25 (a) \$1,953,500 for 93 annual FTE positions and related expenses to  
26 meet national staffing standards for child protective service caseloads. The  
27 93 annual FTE positions shall include 60 investigator and case manager  
28 positions and 33 support staff.

29 (b) \$1,674,200 for 67 annual FTE positions and related expenses to  
30 fund a one hundred per cent investigation rate. The 67 annual FTE positions  
31 shall include 44 investigator and case manager positions and 23 support  
32 staff.

33 (c) \$1,562,400 for performance-based compensation adjustments,  
34 classification adjustments or both at the discretion of the director of the  
35 department.

36 (d) \$103,500 to replace obsolete information technical support  
37 equipment.

38 (e) \$1,010,700 for family home foster care rate increase.

39 2. \$10,300,000 to maintain current staffing and service levels for  
40 child protective services including adoption services, permanent guardianship  
41 and children services.

42 B. The sum of \$25,000 and 1 FTE position is appropriated in fiscal  
43 year 2003-2004 from the state general fund to the department of health  
44 services for licensing.

1 C. Monies remaining unexpended and unencumbered from the  
2 appropriations made in this section revert to the state general fund on July  
3 1, 2004.

4 D. The auditor general shall report monthly to the staff director of  
5 the joint legislative budget committee on the expenditure of the  
6 appropriations made in this section.

7 Sec. 53. Emergency

8 This act is an emergency measure that is necessary to preserve the  
9 public peace, health or safety and is operative immediately as provided by  
10 law.

APPROVED BY THE GOVERNOR DECEMBER 18, 2003.

FILED IN THE OFFICE OF THE SECRETARY OF STATE DECEMBER 18, 2003.

## Second Special Session

Passed the House December 4, 2003,

Passed the Senate December 10, 2003

by the following vote: 31 Ayes,

by the following vote: 25 Ayes,

23 Nays, 6 Not Voting

2 Nays, 3 Not Voting

Jake Flake  
Speaker of the House  
Cheryl Laube  
Assistant Chief Clerk of the House

Klu Blumenthal  
President of the Senate  
Charmine Bellington  
Secretary of the Senate

### EXECUTIVE DEPARTMENT OF ARIZONA OFFICE OF GOVERNOR

This Bill was received by the Governor this

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary to the Governor

Approved this \_\_\_\_\_ day of

\_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of Arizona

### EXECUTIVE DEPARTMENT OF ARIZONA OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State

H.B. 2024

HOUSE FINAL PASSAGE  
as per Joint Conference

Passed the House December 13, 2003,

by the following vote: 53 Ayes,

1 Nays, 6 Not Voting  
with emergency  
Jake Flake  
Speaker of the House  
Norman L. Fyfe  
Chief Clerk of the House

SENATE FINAL PASSAGE  
as per Joint Conference

Passed the Senate December 13, 2003,

by the following vote: 24 Ayes,

1 Nays, 5 Not Voting  
with emergency  
Klu Bennett  
President of the Senate  
Charmine Bellington  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor

this 15 day of December, 2003,

at 8:53 o'clock a. M.

Jennifer Upbarra  
Secretary to the Governor

Approved this 18 day of

December, 2003,

at 9<sup>30</sup> o'clock A M.

Jr. Nye  
Governor of Arizona

Second Special Session

H.B. 2024

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 18 day of December, 2003,

at 11:08 o'clock A M.

Janice K. Brewer  
Secretary of State